

ZONING

ORDINANCE

CITY OF ELIZABETH CITY

JUNE, 1982

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This Zoning Ordinance contains the criteria for land use districting within the boundaries of Elizabeth City. A primary purpose of this Ordinance is to provide a means of assuring compatible development in all areas of the City.					
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AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR ELIZABETH CITY AND THE LEGALLY ADOPTED EXTRATERRITORIAL AREA: PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; AND CREATING A BOARD OF ADJUSTMENTS IN ACCORDANCE WITH THE STATUTES OF NORTH CAROLINA GOVERNING MUNICIPAL ZONING.

BE IT ORDAINED AND ENACTED by the City Council of Elizabeth City, State of North Carolina, as follows:

ARTICLE 1. PURPOSE AND AUTHORITY

Section 1. Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive land use plan and development policies adopted by the City Council as part of the community's on-going land use planning process and participation in the State's Coastal Management program. These regulations conform to an adopted Land Classification Map to ensure orderly development and management of land within the City's jurisdiction. They have been made to, among other things, protect and preserve valuable coastal resources such as wetlands and complex natural areas; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health, parcels and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to provide undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Section 2. Authority

The provisions of this Ordinance are adopted under authority granted by the General Assembly to North Carolina municipalities.

ARTICLE II. APPLICATION

Section 1. Territorial Limits

The regulations presented in this Ordinance shall apply to all property within the corporate limits of Elizabeth City, North Carolina, and the City's officially adopted extraterritorial area as noted on the Official Zoning Map located in the office of the Planning and Community Development Director. All territory which may hereafter be included within the zoning jurisdiction of Elizabeth City shall be automatically classified as an R-15 district until otherwise classified.

Section 2. Application

The regulations set forth in this Ordinance affect all land, every building, and every use of land and/or building and shall apply as follows:

2.1 New Uses or Construction

After the effective date of this Ordinance, all new construction shall conform with the use, area and bulk regulations for the district in which it is to be located.

2.2 Conforming Uses or Structures

After the effective date of this Ordinance, land or structures, or the uses of land or structures which conform with the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.

2.3 Non-conforming Uses or Structures

After the effective date of this Ordinance, land or structures, or the uses of land or structures which would be prohibited under the regulations for the district in which it is located shall be considered as non-conforming. It is the intent of

this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their continued use. Non-conforming structures or uses may be continued provided they conform to the provisions of Section 3 and 4 below.

Section 3. Continuing the Use of Non-conforming Land

The regulations set forth below provide the conditions under which the non-conforming use of land shall be continued.

3.1 Use of Non-conforming Lots

The erection of a single-family dwelling shall be permitted on any lot of record which contains area and/or width less than that required for a single-family dwelling in the district in which such lot is located. Such lot must be in separate ownership and not a continuous frontage with other lots in the same ownership.

Setbacks, side and rear yard dimensions as described in the district in which the lot is located shall apply.

3.2 Extensions of Use

Non-conforming uses of land shall not hereafter be enlarged.

3.3 Change of Use

Any non-conforming uses of land may be changed to any conforming use, or with the approval of the Board of Zoning Adjustment to any use more in character with the uses permitted in the district.

Section 4. Continuing the Use of Non-conforming Buildings and/or the Non-conforming Uses of Buildings

The regulations set forth below provide the conditions under which non-conforming buildings and/or non-conforming uses of buildings shall be continued.

4.1 Extensions of Use

Non-conforming buildings shall not be enlarged and non-conforming use of buildings shall not hereafter be changed to other non-conforming uses.

4.2 Change of Use

If no structural enlargements are made, any non-conforming building or use of buildings may be changed to any conforming use, or with the approval of the Board of Zoning Adjustments, to any use more in character with uses permitted in the district. In permitting such change, the Board of Zoning Adjustments may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

4.3 Cessation of Use

If the active operation of a non-conforming use is discontinued for a continuous period of six (6) months, such non-conforming use shall thereafter be occupied and used only for a conforming use.

4.4 Repair and Alteration

Normal maintenance, repair, and incidental alterations in a building occupied by a non-conforming use is permitted provided it does not increase the size or bulk of the building.

4.5 Damage or Destruction

If a building occupied by a non-conforming use or non-conforming building is destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, such building may not be restored for any non-conforming use.

4.6 Trade or Exchange of Mobile Homes

No mobile home that is now located as a non-conforming use on

a single or private lot may be replaced except by approval of the Board of Zoning Adjustments after legal advertisement and a Public Hearing by the Board of Zoning Adjustments and a finding that such replacement would be improvement to the neighborhood by reason of an improvement in quality of the new unit over the replaced unit.

Section 5. Commercial or Office Mobile Units

A mobile unit with an approved seal may be placed for commercial or office and institutional use in zones permitting the intended use upon recommendation of the Planning Commission and approval of the City Council after a Public Hearing has been held. Mobile classrooms shall be exempt from this regulation, when placed upon public school property.

The above regulations are for temporary use only and renewal must be requested every year to continue the use.

Section 6. Compliance with State Guidelines for Areas of Environmental Concern

Prior to the issuance of any Certificate of Compliance for zoning, building permit, or conditional use permit, the Zoning Administrator and local AEC Permit Officer in consultation with the State AEC Field Consultant, shall determine whether the proposed use or structure is located within an Area of Environmental Concern. This determination shall result from an on-site investigation. If the proposed use or structure is located in an Area of Environmental Concern, the Zoning Administrator and local AEC Permit Officer shall certify that the proposed use or structure complies with development standards of the State Guidelines for Areas of Environmental Concern prior to issuing any building permit or Certificate of Compliance.

ARTICLE III. ZONING MAP ADOPTED

Section 1. Official Zoning Map Adopted

Elizabeth City, North Carolina, is hereby divided into districts as shown on the Official Zoning Map, which is hereby adopted and declared to be a part of this Ordinance. The Official Zoning Map, as amended from time to time, shall be the final authority for current zoning and status of land and buildings in the City and extraterritorial area. All territory included within the zoning jurisdiction not heretofore zoned otherwise shall be zoned R-15.

Section 2. Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries of districts shown on the Official Zoning Map, the following rules shall apply:

- 2.1 District boundary lines are intended to be the same as property lines or lot lines of a platted addition and to the center line of streets, alleys, railroads, easements, other rights-of-way, creeks and streams, or other water channels.
- 2.2 In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the official map.
- 2.3 If a district boundary divides a lot, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot provided such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- 2.4 Where physical features existing on the ground are at variance with that shown on the Official Zoning Map or in other circumstances

not covered by subsections 2.1 through 2.3 above, the Board of Zoning Adjustments shall interpret the district boundaries of this Ordinance.

Section 3. Interpretation of District Regulations

Regulations for each district shall be enforced and interpreted according to the following rules:

3.1 Uses by Right

Uses not designated as permitted by right or subject to additional conditions shall be prohibited. Conditional uses are permitted according to the additional regulations imposed. Additional uses when in character with the district may be added to the Ordinance by amendment.

3.2 Minimum Regulations

Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this section are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standard shall govern.

3.3 Land Covenants

Unless restrictions established by covenants with the land are prohibited by or are contrary to the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

ARTICLE IV. ESTABLISHMENT OF DISTRICT REGULATIONS

District regulations limiting the use of buildings and/or land and the bulk and arrangement of buildings are set forth in this section and are hereby adopted for Elizabeth City, North Carolina, and its extraterritorial zoning jurisdictional area and may be amended as set forth in Article X of this Ordinance.

Section 1. R-6, Residential District

This district is a quiet, medium density neighborhood consisting of single-family, two-family, and multi-family dwellings along with limited home occupations and limited private and public community uses.

1.1 Permitted Uses

The following uses shall be permitted by right:

1.11 Residential Uses

Apartment houses, multiple-family residences
single-family (not to include trailer or mobile home),
dwellings, two-family dwellings

1.12 Community Uses

Churches	Kindergartens
Clubs, private	Nurseries, child
Community centers	
Hospitals	
Lodges, private	
Museums	
Nursing and rest homes	
Parks	
Playgrounds	
Schools, public and private	
Swimming pools	

1.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

1.21 Utility Installations

Public utility sub-stations or pumping stations shall be permitted when authorized by the Board of Zoning Adjustments, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences and other safety devices.

1.22
Railroads

Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustments, on finding that the character of the district and public safety are not impaired.

1.23
Home
Occupations

The following service-type uses, not involving retail sales, shall be permitted provided they comply with the following regulations in addition to the regulations under Section 1.3; maximum usable floor area shall be 400 square feet. No more than one person living off the premises shall be employed; no dust, outside storage, noise, odors or other objectionable effects shall be produced or created outside the building.

Barber shops
Beauty shops
Dance instruction
Dress making
Laundering and ironing
Medical and professional offices
Music instruction
Room renting
Ceramic instruction

1.24
Neighborhood
Commercial

Neighborhood grocery stores shall be permitted, provided they are housed in buildings that harmonize with the character of the neighborhood and have not more than 1,000 square feet floor area.

1.25
Accessory
Building
Uses

Accessory buildings shall be permitted for any home occupation permitted in this district when authorized by the Board of Zoning Adjustments on finding that no rental purpose is intended, or for personal residential purposes.

1.26
Planned
Unit
Developments

As required in Article VI.

1.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required for all permitted and conditional uses in the district:

1.31 Minimum Lot Size

Minimum required lot area for the first dwelling unit shall be 6,000 square feet.

Minimum additional lot area for each dwelling unit in excess of one (1) shall be 2,000 square feet.

Minimum lot width for the first dwelling unit shall be fifty (50) feet measured at the building line.

Additional required lot width measured at the building line per dwelling unit in excess of one (1) shall be ten (10) feet.

1.32 Yard Requirements

Minimum yard depth shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and seven (7) feet^{each} for two side yards. A carport may not be built closer than seven (7) feet to the side lot line.

1.33 Building Heights

Except for church spires, flagpoles, antennas, chimneys, similar accessories to structures all buildings more than two (2) stories in height, or thirty (30) feet measured from the foundation at the center of the house, shall be required to increase the original side yard requirement by one (1) foot for every additional foot of height.

1.34 Accessory Building

Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, must be built a minimum of three feet from any lot line and must be built to the rear of the principle building.

1.35
Corner
Lots

On corner lots, the side yard, on that side of the lot abutting the side street shall not be less than fifteen (15) feet.

Accessory buildings on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

1.36
Corner
Visibility

On corner lots no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner at the intersecting streets.

1.37
Off-street
Parking &
Loading/Unloading

As required in Article VIII.

1.38
Conversion
of Residences

The conversion of any residential structure so as to provide additional units shall only be permitted if each dwelling unit has a minimum of 650 square feet of usable floor area and adequate sanitary facilities.

1.39
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

1.40
Signs

Signs shall conform to the Elizabeth City Sign Control Ordinance.

1.41 As required in Article V .
 Street
 Planting
 Strips,
 Buffers,
 Landscaping

Section 2. R-8 Residential District

This district is a quiet, medium density neighborhood consisting of single-family, two-family, and multiple-family dwellings along with limited home occupations and limited private and public community uses.

2.1 Permitted Uses

The following uses shall be permitted by right:

2.11 Apartment houses, multiple-family residences,
 Residential Single-family (not to include trailers or mobile homes),
 Uses dwellings, two-family dwellings

2.12 Churches
 Community Clubs, private
 Uses Colleges
 Hospitals
 Kindergartens
 Libraries
 Lodges, private
 Museums
 Music instruction
 Nurses' homes
 Nurseries, child
 Parks
 Playgrounds
 Schools, private
 Swimming pools

2.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

2.21 As required in Article VI .
 Planned Unit
 Developments

2.22
Utility
Installations

Public utility sub-stations or pumping stations shall be permitted when authorized by the Board of Zoning Adjustments, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences, and other safety devices.

2.23
Railroads

Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustments, on finding that the character of the district and public safety are not impaired.

2.24
Home Occupations

The following service-type uses, not involving retail sales, shall be permitted provided they comply with the following regulations in addition to the regulations under Section 2.3; maximum usable floor area shall be 400 square feet. No more than one person living off the premises shall be employed, no dust, outside storage, noise, odors or other objectionable effects shall be produced or created outside the building.

Barber and beauty shops
Dance instruction
Dressmaking
Ironing and laundering
Medical offices
Music instruction
Professional offices
Room renting and the boarding of occupants
Ceramics instruction

2.25
Accessory
Building
Uses

Accessory buildings shall be permitted for any home occupations permitted in this district when authorized by the Board of Zoning Adjustments on finding that no rental purpose is intended, or for personal residential purposes.

2.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and conditional uses in this district.

2.31
Minimum
Lot Size

Minimum required lot area for the first dwelling unit shall be 8,000 square feet.

Minimum additional lot area for each dwelling unit in excess of one shall be 2,000 square feet.

Minimum lot width for the first dwelling unit shall be 65 feet measured at the building line.

Additional required lot width measured at the building line per dwelling unit in excess of one shall be ten (10) feet.

2.32
Yard
Requirements

Minimum yard depth shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and seven (7) feet each for two side yards. When attached to the dwelling, a carport may not be built closer than seven (7) feet to the side lot line.

2.33
Building
Heights

Except for church spires, flagpoles, antennas, chimneys, or similar accessories to structures, all buildings more than two (2) stories in height or thirty (30) feet measured from the foundation at the center of the house, shall be required to increase the original side yard requirements by one (1) foot for every additional foot of height.

2.34
Accessory
Building

Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, must be built a minimum of three (3) feet from any lot line and must be built to the rear of the principle building.

2.35
Corner
Lots

On corner lots, the side yard, on that side of the lot abutting the side street shall not be less than fifteen (15) feet.

Accessory buildings on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

2.36
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner at the intersecting streets.

2.37
Conversion
of
Residence

The conversion of any residential structure so as to provide additional units shall only be permitted if each dwelling unit has a minimum of 650 square feet of usable floor area and adequate sanitary facilities.

2.38
Signs

Signs shall conform to the Elizabeth City Sign Control Ordinance.

2.39
Off-Street
Parking and
Loading/Unloading

As required in Article VIII.

2.40
Street Planting Strips,
Buffers, Landscaping

As required in Article V .

2.41 Flood Plain Requirements The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

Section 3. R-10 Residential District

This district is a quiet, medium density neighborhood consisting of single-family, and two-family dwellings along with limited home occupations and limited private and public community uses.

3.1 Permitted Uses

The following uses shall be permitted by right:

3.11 Residential Uses

Single-family residences (not to include trailers or mobile homes); two-family dwellings

3.12 Community Uses

Churches
Clubs, private
Colleges
Community centers
Hospitals
Kindergartens
Libraries
Lodges, private
Museums
Nurseries, child
Nurses'homes
Parks
Playgrounds
Schools, public and private
Swimming pools

3.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

3.21 Planned Unit Developments

As required in Article VI.

3.22 Utility Installations

Public utility substations or pumping stations shall be permitted when authorized by the Board of Zoning Adjustments, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences, and other safety devices.

3.23 Railroads

Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustments, on findings that the character of the district and public safety are not impaired.

3.24 Home Occupations

Home service-type occupations, not involving retail sales, shall be authorized by the Board of Zoning Adjustments on findings that no more than one person living off the premises shall be employed, no dust, outside storage, noise, odors or other objectionable effects shall be produced or created outside the building.

Barber and beauty shops
Ceramic instruction
Dance instruction
Dressmaking
Laundering and ironing
Medical and professional offices
Music instruction
Room renting

3.25
Accessory
Building

Accessory buildings shall be permitted for any home occupations permitted in this district when authorized by the Board of Zoning Adjustments on finding that no rental purpose is intended, or for personal residential purposes.

3.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and conditional uses in this district.

3.31
Minimum
Lot
Size

Minimum required lot area where public water and septic tanks are used shall be 10,000 square feet for each single family dwelling. Any lot within any R-10 district not served by public water, but using a private well and septic tank shall conform to the lot area requirements required by the District Health Department.

Minimum additional lot area for each dwelling unit in excess of one (1) shall be 2,000 square feet.

Minimum lot width for the first dwelling unit shall be 65 feet measured at the building line.

Additional required lot width measured at the building line per dwelling unit in excess of one (1) shall be ten (10) feet.

3.32
Yard
Requirements

Minimum yard depth shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and seven (7) feet each for two side yards. A carport may not be built closer than seven (7) feet to the side lot line.

3.33
Building
Heights

Except for church spires, flagpoles, antennas, chimneys, or similar accessories to structures all buildings more than two (2) stories in height or thirty (30) feet measured from the foundation at the center of the house, shall be required to increase the original side yard requirements by one (1) foot for every additional foot of height.

3.34
Accessory
Building

Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, must be built a minimum of seven (7) feet from any lot line, and except for attached garages, must be built to the rear of the principle building.

3.35
Off-street
Parking and
Loading/Unloading

As required in Article VIII.

3.36
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

3.37
Signs

Signs shall conform to the Elizabeth City Sign Control Ordinance.

3.38
Street Planting
Strips, Buffers,
Landscaping

As required in Article V.

Section 4. R-15 Residential Districts

The regulations of this district are intended to ensure that the residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to provide a healthful environment.

4.1 Permitted Uses

The following uses shall be permitted by right:

4.11 Residential Uses

Single family and two-family residences (not to include trailers or mobile homes).

4.12 Community Uses

Churches
Golf Courses
Playgrounds, public and private
Recreation facilities
Swimming pools
Nurseries, child

4.13 Farm Uses

Bona fide farms and their customary appurtenances.

4.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

4.21 Planned Unit Developments

As required in Article VI.

4.22 Utility Stations

Utility sub-stations or pumping stations, housed in buildings that harmonize with the character of the neighborhood and have adequate fences and other safety devices.

4.23 Railroads

Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustments on finding that the character of the district and public safety are not impaired.

4.24 Home Occupations

Home occupations, service type, not involving retail sales, shall be permitted provided they shall be authorized by the Board of Zoning Adjustments on findings that no more than one person living off the premises shall be employed, no dust, outside storage, noise, odors or other

objectionable effects shall be produced or created outside the building.

Barber and beauty shops
 Ceramic instruction
 Dance instruction
 Dressmaking
 Laundering and ironing
 Medical and professional offices
 Music instruction
 Room renting

4.25
 Accessory
 Building
 Uses

Accessory buildings shall be permitted for any home occupations permitted in this district when authorized by the Board of Zoning Adjustments on finding that no rental purpose is intended, or for personal residential purposes.

4.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangement of buildings are required of all permitted and conditional uses.

4.31
 Lot
 Requirements

Minimum size lot required shall be fifteen thousand (15,000) square feet with a minimum lot width of ninety (90) feet, for the first dwelling unit.

Additional minimum lot area required for any dwelling unit in excess of one (1) shall be 2,000 square feet, with an additional ten (10) feet of lot width.

4.32
 Yard
 Requirements

Minimum yard depth shall be thirty-five (35) feet for front yard (measured from street right-of-way line), twenty-five (25) feet for rear yard, and ten (10) feet for each of two (2) side yards.

4.33
Building
Heights

All structures, except church spires, flagpoles, antennas, chimneys or similar accessories to structures more than one (1) story in height, or fifteen (15) feet from the foundation measured at the center of the house, shall be required to increase the original side yard requirements by one (1) foot for every additional foot of height.

4.34
Accessory
Buildings

Accessory buildings may occupy ten (10) percent of the gross lot area, must be built a minimum of ten (10) feet from any lot line, and, except for attached garages, must be built to the rear of the principle building.

4.35
Street
Planting
Strips,
Buffers,
Landscaping

As required in Article V .

4.36
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

4.37
Corner Lots

On corner lots, the side yard, on that side of the lot abutting the side street shall not be less than one-half (1/2) the front yard requirement on that side street.

4.38
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three feet higher than the curb level and not less than ten (10) feet from the property corner at the intersecting streets.

4.39 The conversion of any residential structure so as to provide
Conversion one additional unit shall only be permitted if each
of Residences dwelling unit has a minimum of 650 square feet of usable
 floor area and adequate sanitary facilities.

4.40 Signs shall conform to the Elizabeth City Sign Control
Signs Ordinance.

4.41 As required in Article VIII.
Off-Street
Parking and
Loading/Unloading

Section 5. AD-1 Apartment Districts

 This district is designed for apartment projects along with
limited private and public community uses.

5.1 Permitted Uses

The following uses shall be permitted by right:

5.11 Multi-family apartment houses, and condominiums (units
Apartment under the North Carolina Unit Ownership Act), and multiple
 family structures with separate ownership of fee simple
 title to lots with connected structures erected with party
 walls over the interior property lines.

5.12 Clubs, private
Community Community centers
Uses Kindergartens
 Libraries
 Lodges, private
 Museums
 Nurseries, child
 Parks
 Playgrounds
 Schools, public and private
 Swimming pools

5.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

5.21 Utility Installations

Public utility sub-stations or pumping stations shall be permitted when authorized by the Board of Zoning Adjustments provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences, and other safety devices.

5.22 Railroads

Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustments, on finding that the character of the district and public safety are not impaired.

5.23 Planned Unit Developments

As required in Article VI .

5.3 Area and Bulk Regulations

The following regulations limiting the bulk, density and arrangements of buildings are required of all permitted and conditional uses in this district.

5.31 Minimum Area Requirements

Minimum required lot or land area in the project or development for the first dwelling unit shall be 6,000 square feet. Minimum required lot or land area in the project or development for each additional dwelling unit shall be 2,000 square feet. The minimum required lot or land area shall be land adjudged by the Planning Commission as suitable for development as building sites or for recreational or parking areas.

5.31
Minimum Area
Requirements
(Continued)

As a further limitation on the density of buildings, principle and accessory buildings shall not cover more than 30% of the land in the project or development adjudged suitable for development as building sites or for recreational or parking areas and in no event shall the area or land in the project or development adjudged suitable for development as building sites or for recreational or parking areas have an average density of more than 15 dwellings units per acre (the total land owned by the developer and adjudged suitable for development as above and included in the plan of the project or development, when divided by the number of dwelling units to be erected, shall not produce a figure of more than 15 dwelling units per acre).

5.32
Yard
Requirements

Minimum yard depth shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and seven (7) feet each for two (2) side yards. A carport may not be built closer than seven (7) feet to the side lot line.

5.33
Building
Heights

Except for flagpoles, antennas, chimneys, or similar accessories to structures all buildings more than two (2) stories in height or thirty (30) feet in height measured from the foundation at the center of the house, shall be required to increase the original side yard requirements by one (1) foot for every additional foot of height.

5.34
Accessory
Buildings

Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, must be built a minimum of three (3) feet from any lot line, and except for attached garages must be built to the rear of the principle building.

5.35
Corner
Lots

On corner lots, the side yard, on that side of the lot abutting the side street shall not be less than fifteen (15) feet. Accessory buildings on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

5.36
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be not more than three (3) feet higher than the curb level and not less than ten feet from the property corner at the street intersection.

5.37
Off-street
Parking and
Loading/Unloading

As required in Article VIII.

5.38
Signs

All signs shall conform to the Elizabeth City Sign Control Ordinance.

5.39
Recreation,
Park, and
Open Space

Recreation, Park and Open Space shall be provided in accordance with Article V, Section 11, of the Elizabeth City Subdivision Regulations.

5.40
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

5.41
Street Planting
Strips, Buffers,
Landscaping

As required in Article V .

5.42
Adopting an
Apartment
District

The following procedures and requirements are established
for the development of an Apartment District

5.5 Application

Application for an Apartment District shall be made to
the Planning Commission and shall include the following:

An application for an Apartment shall be accompanied by a
development plan showing:

- (a) the location;
- (b) dimensions, and proposed use of all property and buildings;
- (c) all existing or proposed public or private easements;
- (d) rights-of-way;
- (e) curb cuts;
- (f) driveways;
- (g) off-street parking areas with spaces delineated;
- (h) walkways;
- (i) proposed walls or fences;
- (j) the types of paving or other surfacing to be used;
- (k) landscaping plan showing existing and proposed plant material;
- (l) surface water drainage plans; and
- (m) various other site information as may be necessary to describe completely the proposed development, for approval by the Planning Commission.

Section 6. RMH Residential Mobile Home District

This district is a quiet, medium density neighborhood consisting of single-family, two-family, multiple-family dwellings and mobile homes as well as limited home occupations and limited private and public community uses.

6.1 Permitted Uses

6.11
Residential
Uses

Individual mobile home residences,
single-family residences
two-family dwellings, and
multiple-family residences

6.12
Community
Uses

Clubs, private
Community centers
Churches
Hospitals
Kindergartens
Libraries
Lodges, private
Museums
Nurseries, child
Nurses' homes
Parks
Playgrounds
Rest homes
Schools, public and private
Swimming pools

6.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

6.21
Utility Installations

Public utility sub-stations or pumping stations shall be permitted when authorized by the Board of Zoning Adjustments, provided they are housed in buildings that harmonize with the character of the neighborhood and have adequate side yards, fences and other safety devices.

6.22
Railroads

Existing railroads may continue to be operated and maintained in residential districts, but no new railroad construction shall be established except when so authorized by the Board of Zoning Adjustments, on finding that the character of the district and public safety are not impaired.

6.23
Home
Occupations

The following home occupations shall be permitted provided they comply with the following regulations in addition to the regulations under Section 1.3; maximum usable floor area shall be 400 square feet. No more than one person living off the premises shall be employed; no dust, outside storage, noise, odors or other objectionable effects shall be produced or created outside the building.

Barber and beauty shops
 Ceramic instruction
 Dance instruction
 Dress making
 Ironing and laundering
 Music instruction
 Offices, medical and professional
 Room renting

6.24
 Neighborhood
 Commercial

Neighborhood grocery stores shall be permitted, provided they are housed in buildings that harmonize with the character of the neighborhood and have not more than 1,000 square feet of floor area.

6.25
 Accessory
 Buildings

Accessory buildings shall be permitted for any home occupation permitted in this district or for personal residential purposes when authorized by the Board of Zoning Adjustments on finding that no rental purpose is intended.

6.26
 Mobile Home
 Developments

Mobile home developments shall be permitted by permit when they conform to the Mobile Home Development Special Use requirements as contained in Article VII, Section 1, of this Ordinance.

6.27
 Bus Stations
 Taxi Stands

Bus Stations and/or Taxi Stands shall be permitted conditionally, upon the approval of a final plat by the Planning Commission -- (showing the location of the building, entrance and exit drives, bus bays, off-street parking, and taxi stands).

6.3 Area and Bulk Regulations

The following regulations limiting the bulk and arrangements of buildings are required of all permitted and conditional uses in this district.

6.31
 Minimum
 Lot Size

Minimum required lot area for a single-family dwelling shall be 6,000 square feet.

6.31
Minimum
Lot Sizes
(Continued)

Minimum additional lot area for each dwelling unit in excess of one single-family dwelling unit shall be 2,000 square feet; provided, however, mobile home two-family, and mobile home multi-family dwellings shall not be permitted, and not more than one (1) mobile home shall be placed on each 6,000 square foot lot. Minimum lot width for the first dwelling unit shall be fifty (50) feet measured at the building line.

6.32
Yard
Requirements

Minimum yard depth shall be twenty-five (25) feet for the front yard, twenty-five (25) feet for the rear yard, and ten (10) feet each for two (2) side yards. A carport may be built no closer than ten (10) feet to the side lot line.

6.33
Building
Heights

Except for church spires, flagpoles, antennas, chimney, or similar accessories to structures, all buildings more than two (2) stories in height, or thirty (30) feet measured from the foundation at the center of the building, shall be required to increase the original side yard requirement by one (1) foot for every additional foot in height.

6.34
Corner Lots

On corner lots, the side yard, on that side of the lot abutting the side street shall not be less than fifteen (15) feet.

6.35
Accessory
Buildings

Accessory buildings on that side of the lot abutting the side street shall not project beyond the full front yard requirement on that side street.

Accessory buildings shall not occupy more than ten (10) percent of the gross lot area, must be built a minimum of three (3) feet from any lot line, and except for attached garages, must be built to the rear of the principle building.

6.36
Corner
Visibility

On corner lots no obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.

6.37
Off-street
Parking &
Loading/Unloading

As required in Article VIII.

6.38
Conversion
of Residences

The conversion of any existing residential structure so as to provide additional units shall only be permitted if each dwelling unit has a minimum of 650 square feet of usable floor area and adequate sanitary facilities.

6.39
Signs

All signs shall conform to the Elizabeth City Sign Control Ordinance.

6.40
Street Planting
Strips, Buffers
Landscaping

As required in Article V.

6.41
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

Section 7. C-4 Commercial District (Central Business District)

This is the central business district which provides retailing, personal services, and office space for local and regional commercial activities. The regulations are designed to permit a concentrated development of permitted facilities and to protect the district itself from over-intensive development and congestion.

7.1 Permitted Uses

The following uses shall be permitted by right:

7.11 Residential Uses

Apartment houses, multiple-family residences, single-family (not to include trailers or mobile homes) and two-family dwellings.

7.12 Offices

Business
Financial
Governmental
Medical and professional offices and agencies

7.13 Primary Retail Stores

Stores retailing:

Books
Cameras
Candy
Clothing
Craft goods
Dry goods
Drugs
Flowers
Gifts
Hardware
Hobby goods
Jewelry
Leather goods
Magazines
Musical instruments
Notions
Shoes
Sporting goods
Toys

7.14 Secondary Retail Stores

Stores retailing:

Antiques
Appliances
Automobiles
Bicycles
Electrical fixtures
Farm machinery
Furniture
Motorcycles
Paint
Plumbing fixtures
Upholstery
Wallpaper

7.15
Services

Barber and beauty shops
Bowling alleys
Bus stations
Cab stands
Cafeterias
Churches
Dry cleaning
Funeral homes
Hotels
Laundry
Motels
Parking lots
Pool halls
Radio and television broadcasting studios
Restaurants
Shoe repair
Theaters
Marinas

7.2 Conditional Uses Permitted

These uses shall be permitted subject to the additional regulations imposed.

7.21
Service
Stations

Service Stations shall have a minimum lot area of 7,000 square feet with a frontage of not less than 100 feet. No portion of a service station building or equipment shall be nearer than 25 feet to the front property line. All automobile repair or storage shall be performed inside a structure.

7.31
Nightclubs,
Beer halls,
Cocktail
Lounges,
Indoor Amuse-
ment Centers

Nightclubs, beer halls, cocktail lounges, indoor amusement centers, and other similar activities operating as a primary use may be permitted by the Board of Zoning Adjustments, upon recommendation of the Planning Commission, provided that no part of the property so used shall be close enough to any residential district to cause a nuisance by reason of noise, vehicular congestion, or other objectionable characteristics, to

uses which may locate in the residential district. Distance, property orientation and other criteria shall be used in determining what should constitute a suitable relationship between the proposed conditional use and the residential area. A minimum separation of 50 feet from the nearest property line of any church, school, child nursery, college, or university shall be required.

7.4 Area and Bulk Requirements

The following regulations limiting the development and arrangement of buildings and/or land are required of all permitted and conditional uses in this district.

7.41 Off-street Parking and Loading/Unloading

As required in Article VIII

7.42 Sidewalks

Adequate sidewalks paralleling streets shall be required as determined by the Board of Zoning Adjustments.

7.43 Signs shall conform to the Elizabeth City Sign Control
Signs Ordinances.

7.44 The location of permitted and conditional uses within the
Flood Plain district and all construction or alterations shall conform
Requirements to the Elizabeth City Flood Plain Ordinance.

7.45 As required in Article IV .
Street Planting
Strip, Buffers,
Landscaping

Section 8. C-3 General Commercial District

This is the general commercial district for the community providing offices, personal services and the retailing of durable and convenience goods. Because these commercial uses are subject to the public view which is a matter of important concern to the whole community, it should provide an appropriate appearance, ample parking, controlled traffic movement and suitable landscaping. The proper development of commercial uses in this district is not only a right under the law, but a responsibility to the entire community.

8.1 Permitted Uses

The following uses shall be permitted by right:

8.11 Stores retailing:

Retail
Stores

Antiques
Appliances
Automobiles
Bicycles
Drugs
Electrical and plumbing fixtures
Farm equipment
Fish
Furniture
Groceries
Hardware
Meat
Motorcycles
Notions
Paints
Paint and wallpaper
Upholstery
Marinas

8.12
Services

Barber and beauty shops
Churches
Drive-ins dispensing food
Dry cleaning and laundry
Funeral homes
Motels
Offices, public and private, including post offices
Radio and television repair
Restaurants
Service stations
Shoe repair
Tourist homes
Off-street parking lots

8.2 Conditional Uses Permitted

These uses shall be permitted subject to the additional regulations imposed:

8.21
Planned Unit
Developments

As required in Article VI .

8.22
Motor Sales
and Repairs

Sales and repair of automobiles, trucks and agricultural implements shall be permitted provided all repair is performed inside a building and that all parking or storage of vehicles is provided off the public right-of-way and ten (10) feet to the rear of the front property line.

8.23
Animal
Hospital

Animal hospitals shall have a minimum area of one (1) acre with a frontage of not less than 300 feet. No animal storage shall be allowed within 100 feet of any residential use as measured from any point on the property line.

8.24
Residences

It is the intent of this section to permit existing residences to continue until removed. No new residences shall be permitted. All structural alterations to existing residences shall be approved by the Board of Zoning Adjustments.

8.25
Building
Material Sales
and
Wholesale
Commercial
Activities

Building material sales and wholesale activities shall be allowed in the C-3 zoning district as a conditional use provided the following provisions are met:

8.25(a) Retail or wholesale is a primary activity as indicated by an over-the-counter sales and display area of at least 1,000 square feet and over-the-counter sales amounting to approximately 50% of the business.

8.25(b) All building materials or other bulk supplies shall be stored in a complete enclosure, such as a shed, structure, warehouse, or six to eight feet high opaque or translucent fence with planting where appropriate.

8.25(c) Such uses involving warehousing or truck and rail activities are not allowed within 150 feet of a residential district or residential uses within such district. This 150 foot buffer shall be used for landscaping, office, or landscaped parking facilities only.

8.25(d) No fabrication, manufacturing, or processing other than normal warehousing, storage, or sale activities, associated with the commercial use shall be permitted.

8.26
Nightclubs,
Beer halls,
Cocktail
Lounges,
Indoor Amuse-
ment Centers

Nightclubs, beer halls, cocktail lounges, indoor amusement centers, and other similar activities operating as a primary use may be permitted by the Board of Zoning Adjustments, upon recommendation of the Planning Commission, provided that no part of the property so used shall be close enough to any residential district to create a nuisance by reason of noise, vehicular congestion, or other objectionable characteristics, to uses which may locate in the residential district. Distance, property orientation and other

suitable relationship between the proposed conditional use and the residential area. A minimum separation of 50 feet from the nearest property line of any church, school, child nursery, college, or university shall be required. 35

8.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of building and/or land are required of all permitted and conditional uses in this district.

8.31 Lot Requirements

Minimum lot width shall be seventy-five (75) feet with a minimum lot depth of one-hundred twenty (120) feet.

8.32 Yard Requirements

Minimum front yard depth shall be sixty (60) feet from the center line of the street. The first fifteen (15) feet from the property line shall be developed for sidewalk, grass and plants and shall not be used for any purpose except the necessary drives and walks and shall not include off-street parking.

There shall be no side yard requirement except when the property abuts a residential district on the side, then it shall be the same on the abutting side or sides as required by that residential district. Minimum rear yard depth shall be fifteen (15) feet.

8.33 Building Height

There shall be no building height requirements in this district.

8.34 Off-street Parking and Loading/Unloading

As required in Article VIII.

8.35 Curb Cuts

No portion of any driveway leading from a public street shall be closer than fifteen (15) feet to the corner of any intersection measured from the right-of-way line.

The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with curb or street line.

No two (2) driveways leading from a public street shall be within twenty (20) feet of each other measured along the full height of the curb.

8.37
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.

8.38
Street Planting
Strips, Buffers,
Landscaping

As required in Article V .

8.39
Signs

All signs shall conform to the Elizabeth City Sign Control Ordinance.

8.40
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction or alterations shall conform to the Elizabeth City Flood Plain Ordinance.

Section 9. C-6 Shopping Center Districts

This district permits the development of neighborhood, community and regional shopping centers in scale with the surrounding market areas to meet the shopping needs of the public. It is intended to permit the establishment of such districts only where planned centers with carefully organized

buildings, service areas, parking areas and landscaped open space will clearly serve demonstrated public need, reduce traffic congestion and hazards below that which would result from strict commercial development along highways and protect property values in surrounding neighborhoods.

9.1 Permitted Uses

9.11 Primary Retail Stores

Stores retailing:

Books	Toys
Cameras	Gifts
Candy	Groceries
Clothing	Meats
Craft goods	Sporting goods
Dry goods	
Drugs	
Flowers	
Hardware	
Hobby goods	
Jewelry	
Leather goods	
Magazines	
Musical instruments	
Notions	
Shoes	

9.12 Secondary Retail Stores

Stores retailing:

Antiques
Appliances
Automobiles
Bicycles
Electrical fixtures
Farm machinery
Furniture
Motorcycles
Paint
Plumbing fixtures
Upholstery
Wallpaper

9.13 Offices

Business
Governmental
Medical and professional offices and agencies

9.14 Services

Appliance repair
Barber and beauty shops
Cafes
Radio and television sales and service
Restaurants
Service Stations

9.14 Shoe repair
 Services Small laundry and dry cleaning shops
 (Continued) Washerettes

9.2 Conditional Uses Permitted

The following uses shall be permitted subject to the additional requirements imposed:

9.21 Nightclubs, beer halls, cocktail lounges, indoor amusement centers, and other similar activities operating as a primary use may be permitted by the Board of Zoning Adjustments, upon recommendation of the Planning Commission, provided that no part of the property so used shall be close enough to any residential district to cause a nuisance by reason of noise, vehicular congestion, or other objectionable characteristics, to uses which may locate in the residential district. Distance, property orientation and other criteria shall be used in determining what should constitute a suitable relationship between the proposed conditional use and the residential area. A minimum separation of 50 feet from the nearest property line of any church, school, child nursery, college, or university shall be required.

9.3 Development Standards

The following regulations are required of every shopping center district:

9.31 Minimum Land Area

The minimum land area for any shopping center district shall be two (2) acres. For purposes of calculating the minimum dimensional and other requirements of this section no single C-6 Shopping Center District shall extend across a public street or alley and shall be contiguous in all parts.

9.32 Required Yards

No buildings shall be located closer than 50' to any street right-of-way nor closer than 25' to any other property line. A buffer, as described in this Ordinance, is required where the C-6 project abuts any residential district or major thoroughfare.

9.33 Maximum Land Coverage

The total ground area covered by the principal buildings and all accessory buildings including all roofed areas shall not exceed 30% of the total site area.

9.34 Utilities

All structures shall be serviced by underground utility lines.

9.35 Street Planting Strips, Buffers, Landscaping

As required in Article V .

9.36 Flood Plain Requirements

The location of permitted and conditional uses within the district and all construction and alterations shall conform to the Elizabeth City Flood Plain Ordinance.

9.27
Off Street
Parking,
Loading/Unloading

As required in Article VIII.

9.28
Signs

All signs shall conform to the Elizabeth City Sign Control Ordinance.

9.3 Adopting a Shopping Center District

The following procedures and requirements are established for the development of a C-6, Shopping Center District:

9.31
Application

Application for a shopping center district shall be made to the Planning Commission and shall include the following:

9.31a The applicant or developer shall show cause that the present and foreseeable population in the retail shopping center market area can adequately support the type of stores proposed for the shopping center district. A valid market analysis indicating the economic feasibility of such proposed development is sufficient to meet this requirement. It is a concern of the Planning Commission and City Council that such projects be successful and not pose a negative influence upon the community with vacant and underutilized stores. This requirement may be waived by the Planning Commission for neighborhood shopping centers.

9.31b A Plat showing the location of the area zoned or proposed to be zoned and sufficient extra area to provide ease of orientation. If the area developed or proposed to be developed is in an unplatted area, the plat shall include the legal description of the boundaries of the property proposed to be included in the area to be zoned or developed as a planned shopping center.

- 9.31c Topography with contour intervals no greater than 2'.
- 9.31d Sufficient proposed contour grade to interpret the intent of the developer.
- 9.31e The proposed off-street parking area, loading and unloading area, parking stalls, traffic channelization, driveways, curb cuts, pedestrian ways and other such necessary to interpret the traffic circulation information, and parking plans including a notation of the number of parking spaces required and proposed.
- 9.31f The proposed location and use of all buildings.
- 9.31g Proposed location, height, and orientation of all signs other than signs flat on or attached to building facades.
- 9.31h Proposed location, height and orientation of all outdoor lighting.
- 9.31i Proposed malls, buffers, planting strips, fences and other landscaping features.
- 9.31j An indication of stages which will be followed in development.
- 9.31k A title given the owner or owners (or optionees), the date, the scale, the orientation and the person or firm preparing the plan.
- 9.31l The type of paving or other surfacing material to be used.
- 9.31m Other site information as may be necessary to describe completely the proposed development.

9.32 Review

The application and development plan for a C-6 Shopping Center District shall be reviewed by the Planning Commission. The Commission may require the applicant or developer to submit a revised plan before final submission to the City Council.

The following items shall be reviewed:

- 9.32(a) Adequate off-street parking and truck loading space to relieve traffic congestion in the streets.
- 9.32(b) An arrangement of turning lanes, driveway entrances, and controlled traffic movement to adequately serve traffic generated by the shopping center.
- 9.32(c) Adequate safe and convenient sidewalks for pedestrian circulation.
- 9.32(d) Landscaping and planting strips to screen or buffer the shopping center from surrounding residential and pedestrian uses and to adequately shade parking areas.
- 9.32(e) Plans for utilities, storm drainage, outdoor signs, and lighting to determine the effects on the surrounding properties.

9.4 Building Permits

No building permit shall be issued for any building in a C-6 Shopping Center District until the development plan is approved by the City Council. No building permit shall be issued for any building not shown first on the approved development plan unless changes have been submitted to the Planning Commission and City Council for approval, at which time the Chief Building Inspector may issue building permits based on the revised development plan. Actual construction shall begin within one (1) year from the date final approval is granted. In the event the Planning Commission and City Council find that the intent of this section has not been met or construction is not begun within one (1) year, resubmission of the development plan shall be required. It is not the intent of this section to prohibit a reasonable

Section 10. 0-7 Office and Institutional District

This district provides for the development of offices and community institutions which have similar development characteristics and require locations closer to the more intensive commercial districts.

10.1 Permitted Uses

The following uses shall be permitted by right:

10.11 Residences

Multi-family residences,
two-family dwellings, and
single-family residences

10.12 Offices

Business
Government
Medical and professional offices and agencies
Pharmacy - defined as providing 50% or better of
the business is prescription drugs or related items

10.13 Institutions

Cemeteries
Colleges
Hospitals
Institutions, public or semi-public
(But not to include jails, reformatories
or other correctional institutions)
Schools, public or private

10.14 Services

Funeral homes
Motels
Parking lots
Radio and television broadcasting stations

10.2 Conditional Uses Permitted

The following uses shall be permitted subject to the additional regulations imposed:

10.21 Planned Unit Developments

As required in Article VI.

10.22 Utilities

Utility offices shall be permitted when authorized by the Board of Zoning Adjustments providing that sufficient space for parking and storage of materials and vehicles is developed and screened from view.

10.22
Home
Occupations

Home occupations shall be permitted provided it shall not utilize more than 40 percent of all usable floor area, not more than one (1) person living off the premises shall be employed, no dust, outside storage, noise, odors or other objectionable effects shall be produced or created outside the building.

10.3 Development Standards

The following regulations limiting the development and the arrangement of buildings and/or land are required of all permitted and conditional uses in this district.

10.31
Lot
Requirements

Minimum lot width shall be 60' with a minimum lot depth of 120'.

10.32
Yard
Requirements

Minimum front yard depth shall be 15' which shall be developed for sidewalk, grass and plants and shall be used for any purpose other than the necessary drives and walks and shall not include off-street parking.

No side yards are required in this district except when the property abuts a residential district, then it shall be the same on the abutting side or sides as required by that residential district. Minimum rear yard depth shall be 15'.

10.33
Building
Heights

No building shall exceed 36' in height unless the depth of the front and total width of the side yards required herein shall be increased by one (1) foot for each two (2) feet or fraction thereof of building height in excess of 36'.

10.34
Off-Street
Parking and
Loading/Unloading

As required in Article VIII.

10.35
Curb Cuts

No portion of any entrance drive leading from a public street shall be closer than 15' to the property line corner of any intersection.

The width of any entrance drive leading from the public street shall not exceed 30' at its intersection with the curb or street line.

No two (2) driveways, including driveways on adjacent property, shall be within 20' of each other measured along the full height of the curb.

10.36
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.

10.37
Signs

All signs shall conform to the Elizabeth City Sign Ordinance.

10.38
Conversion
of Residence

The conversion of any residential structure so as to provide additional units shall only be permitted if each dwelling unit has a minimum of 650 square feet of usable floor area and adequate sanitary facilities.

10.39
Street
Planting
Strip, Buffers,
Landscaping

As required in Article V.

10.40
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction and alterations shall conform to the Elizabeth City Flood Plain Ordinance.

Section 11. M-1 Restricted Manufacturing Districts

This is an area primarily for industrial assembly, fabrication, and storage located on planned sites with access to major highways and with adequate utility facilities. The purpose of these regulations is to control land use and building densities in order to reduce the congestion of traffic and the adverse effects of industrial processes.

11.1 Permitted Uses

11.11

The following uses shall be permitted by right:

11.11
Manufacturing

The manufacturing, processing, assembling, and fabrication of the following products:

Appliances
Clothing
Hosiery
Instruments, electrical and mechanical
Textiles
Upholstery

11.12
Service
Industries

Distribution
Railroad
Shipping
Truck
Utility
Warehousing
Wholesaling

11.2 Conditional Uses Permitted

These uses shall be permitted subject to the additional regulations imposed.

11.21
Residences

It is the intent of this section to permit existing residences and commercial uses to continue until removed. All structural alterations shall be approved by the Board of Zoning Adjustments.

11.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of buildings and/or land are required of all permitted and conditional uses in this district.

11.31 Lot Requirements

Minimum lot width shall be one hundred fifty (150) feet.

Minimum lot depth shall be one hundred fifty (150) feet.

11.32 Yard Requirements

Minimum front yard depth shall be thirty-five (35) feet from the property line and except for the necessary drive and walks, shall not include off-street parking. The front yard shall be planted in grass and ornamental shrubs and trees. Minimum side yard depth shall be twenty (20) feet on each side. Minimum rear yard depth shall be twenty (20) feet.

11.33 Building Height

Maximum building height shall be fifty (50) feet.

11.34 Lot Coverage

The maximum total lot coverage by all structures shall be forty (40) percent of the lot area.

11.35 Off Street Parking and Loading/Unloading

As required in Article VIII.

11.36 Curb Cuts

No portion of any entrance driveway leading from a public street shall be closer than fifteen (15) feet to the property line corner of any intersection measured from the right-of-way line.

The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with the curb or street.

No two (2) driveways leading from a public street shall be within twenty (20) feet of each other measured along the full height of the curb.

11.37
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction and alterations shall conform to the Elizabeth City Flood Plain Ordinance.

11.38
Street Planting
Strip, Buffers,
Landscaping

As required in Article V.

11.39
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.

11.40
Signs

All signs shall conform to the Elizabeth City Sign Control Ordinance.

Section 12. M-2 Mixed Manufacturing Districts

This is an area of mixed industrial uses. Regulations have been established for the mutual protection of all industrial users to control traffic congestion and encourage safety.

12.1 Permitted Uses

The following industries shall be permitted by right:

12.11
Service
Industries

Animal feed preparation
Contractor's shops and yards
Freight yards, truck and bus terminals
Ice manufacture, storage and freezer lockers
Lumber, building materials, and concrete products
Machine shops, and sheet metal shops
Mailing
Public utility installations, repair shops, or yards
Wholesaling, distributing, warehousing, storage and shipping
(including petroleum products)

12.2 Conditional Uses Permitted

The following uses are permitted subject to the additional regulations imposed:

12.21 Residences

It is the intent of this section to permit existing residences and commercial uses to continue until removed. All structural alterations shall be approved by the Board of Zoning Adjustments.

12.22 Petroleum Storage

The storage of petroleum or petroleum products may be permitted provided:

12.22(a) All storage tanks and loading facilities shall be located at least twenty-five (25) feet distance from any exterior property line; and

12.22(b) All storage tanks and loading facilities shall be located at least one-hundred twenty (120) feet from any exterior property line bordering a residential district.

12.23 Junk and Salvage Yards

Junk yards or salvage yards for purchase, sale, handling or storage of scrap paper, metals, rubber or rags, when enclosed by a solid fence, or open fence with shrubs planted in front.

12.24 Asphalt Plants

Asphalt plants may be permitted provided:

12.24(a) They are equipped with filters and/or other equipment to prevent air pollution as required by the Building Inspector;

12.24(b) Any site location must be temporary and must be approved by the Board of Zoning Adjustments; and

12.24(c) All petroleum storage will have to be approved by the Chief of Fire Prevention.

12.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of buildings and/or land are required for all permitted and conditional uses.

12.31 Lot Requirements

Minimum lot width shall be seventy-five (75) feet and minimum lot depth shall be one-hundred fifty (150) feet.

12.32 Yard Requirements

Minimum front yard shall be forty (40) feet from the center line of the street. This yard shall not be used for any purpose other than the necessary drives and walks and shall not be used for off-street parking.

If side yards are provided, they shall be at least fifteen (15) feet. If the plot abuts a residential area there shall be a rear yard of at least fifteen (15) feet and side yards on the abutting side or sides as required by that residential district.

12.33 Flood Plain Requirements

The location of permitted and conditional uses within the district and all construction and alterations shall conform to the Elizabeth City Flood Plain Ordinance.

12.34 Street Planting Strip, Buffers, Landscaping

As required in Article V.

12.35 Off-Street Parking and Loading/Unloading

As required in Article VIII.

12.36 Curb Cuts

No portion of any entrance driveway leading from a public street shall be closer than fifteen (15) feet to the property line corner of any intersection measured from the right-of-way line.

The width of any entrance driveway leading from the public street shall not exceed thirty^{six} (36) feet at its intersection with the curb or street line.

No two (2) driveways leading from a public street shall be within twenty (20) feet of each other measured along the full height of the curb.

12.37
Corner
Visibility

No obstruction of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.

12.38
Signs

All signs shall conform to the Elizabeth City Sign Control Ordinance.

Section 13. HCL - Highway Commercial District - Large Lot

This district is established to allow commercial development for the retailing of goods and services and providing offices and personal services on the major thoroughfares of the City without creating strip development. Since such uses are dependent upon vehicular traffic and subject to the views of the motoring public, provisions for controlled traffic movement, ample parking and loading and suitable landscaping are required to protect the health, safety, and welfare of citizens.

The Large Lot Highway Commercial District (1 acre minimum) is intended to permit those commercial uses not appropriate for shopping centers which desire large lots fronting on a major thoroughfare and do most of their business with the motoring public. These lots are of sufficient size and frontage that they do not promote strip development and its resulting auto congestion.

13.1 Permitted Uses

The following shall be permitted by right:

13.11 Retail Stores

Including, but not limited to, stores retailing:

- Antiques
- Appliances
- Automobiles & automobile supplies
- Bicycles
- Drugs
- Electrical and plumbing fixtures
- Farm equipment
- Furniture
- Groceries
- Hardware
- Meat
- Motorcycles
- Notions
- Paints
- Paint and wallpaper
- Upholstery

13.12 Services

- Churches
- Drive-ins dispensing food
- Dry cleaning and laundry
- Funeral homes
- Motels
- Offices, public and private, including post offices
- Restaurants
- Service Stations
- Tourist homes
- Marinas

13.2 Conditional Uses Permitted

These uses shall be permitted subject to the additional regulations imposed:

13.21 Planned Unit Developments

As required in Article VI .

13.22
Motor Sales
and Repairs

Sales and repair of automobiles, trucks, and agricultural implements shall be permitted provided all repair is performed inside a building and that all parking or storage of vehicles is provided off the public right-of-way and ten (10) feet to the rear of the front property line.

13.23
Animal
Hospitals

No animal storage shall be allowed within one hundred (100) feet of any residential use as measured from any point on the property line.

13.24
Residences

It is the intent of this section to permit existing residences to continue until removed. No new residences shall be permitted. All structural alterations to existing residences shall be approved by the Board of Zoning Adjustments.

13.25
Commercial
Recreation

The following uses may be permitted by the Board of Zoning Adjustments provided they meet at least the following requirements:

- 13.25(a) Adequate turning lanes, driveway entrances, and off-street parking are provided to relieve traffic congestion in the street or highway.
- 13.25(b) All facilities except parking are located at least two hundred (200) feet from any exterior property line bordering a residential district.

Baseball batting
Bus Stations
Carnival rides
Children's merry-go-round
Go-cart tracks
Golf driving ranges
Miniature golf
Taxi stands

13.26
Nightclubs,
Beer halls,
Cocktail
Lounges,
Indoor Amuse-
ment Centers

Nightclubs, beer halls, cocktail lounges, indoor amusement centers, and other similar activities operating as a primary use may be permitted by the Board of Zoning Adjustments, upon recommendation of the Planning Commission, provided that no part of the property so used shall be close enough to any residential district to cause a nuisance by reason of noise, vehicular congestion, or other objectionable characteristics, to uses which may locate in the residential district. Distance, property orientation and other criteria shall be used in determining what should constitute a suitable relationship between the proposed conditional use and the residential area. A minimum separation of 50 feet from the nearest property line of any church, school, child nursery, college, or university shall be required.

13.3 Area and Bulk Regulations

The following regulations limiting the development and arrangement of buildings and/or land are required of all permitted and conditional uses in this district.

13.31 Lot Requirements

Minimum lot area shall be one (1) acre. Minimum frontage along the major thoroughfare shall be two hundred (200) feet with a minimum lot depth of one hundred (100) feet.

13.32 Yard Requirements

13.32(a) Minimum front yard depth shall be fifty (50) feet from along the edge of the thoroughfare right-of-way.

13.32(b) The first twenty-five (25) feet from the edge of the thoroughfare right-of-way shall be developed as a buffer and landscaping strip in accordance with Article V, Section 1.1, of this Ordinance and shall not be used for any purpose except for the necessary drives and walks and shall not include off-street parking.

13.32(c) There shall be no sideyard requirement except when the property abuts a residential district on the side, then it shall be the same on the abutting side or sides as required by that residential district. Minimum rear yard depth shall be fifteen (15) feet.

13.33 Building Height

There shall be no building height requirement in this district.

13.34 Off-street Parking and Loading/Unloading

As required in Article VIII

13.35
Curb
Cuts

13.35(a) No portion of any driveway providing ingress and egress to a major thoroughfare shall be closer than one hundred (100) feet to the corner of any street intersection or thoroughfare access street measured from the right-of-way line. Where major thoroughfares intersect as identified by the Elizabeth City Thoroughfare Plan, no portion of any driveway shall be closer than two hundred (200) feet to the corner of the intersection measured from the right-of-way line.

13.35(b) No portion of any driveway providing ingress and egress to a major thoroughfare shall be closer than fifty (50) feet to the side property line measured from the street right-of-way line.

13.35(c) A minimum of one (1) curb cut per lot providing ingress and egress to a major thoroughfare shall be permitted.

13.36
Vehicle
Visibility

No obstruction of any kind or nature to the visibility of vehicles at curb cuts shall be erected, maintained, or allowed to exist. This area of visibility shall be considered to be not more than three (3) feet higher than the curb level and not less than ten (10) feet from the property corner.

13.37
Sidewalks

Sidewalks and planting strips according to City standards shall be provided along the front property line to protect pedestrians and provided access.

13.38
Signs

Signs shall conform with the Elizabeth City Sign Control Ordinance.

13.39
Street Planting
Strips, Buffers,
Landscaping

As required by Article VIII.

13.40
Flood Plain
Requirements

The location of permitted and conditional uses within the district and all construction and alterations shall conform to the Elizabeth City Flood Plain Ordinance.

ARTICLE V. STANDARDS FOR STREET PLANTING STRIPS, BUFFERS, AND LANDSCAPING

To provide glare reduction, provide a more attractive and healthful environment, reduce noise and air pollution, protect occupants and residents in all residential, commercial, institutional, manufacturing, and apartment districts, to prevent street heat build-up and subsequent surface deterioration, better control of street flooding, and generally make the City a healthier, safer, and more pleasing place in which to live, the following street planting strips, buffers, and landscaping standards shall apply:

Section 1. Street Planting Strips.

In all zoning districts the following street planting strip standards shall be followed unless otherwise set forth:

1.1 Width Requirements

1.11
Street Planting
Strip for New
Development

Except for the C-4 district, new development along all streets shall provide a 15' wide planting strip along the inside of all property lines abutting a public street. Additionally, all new development of lots abutting an existing or proposed major thoroughfare which is four-lane or proposed to be four-lane as identified in the Elizabeth City Thoroughfare Plan, including Highway 17 North and South, Hughes Boulevard, Weeksville Road, Halstead Boulevard, Ehringhaus Street, and Elizabeth Street, shall provide a 25' wide planting strip along the inside of all property lines abutting the major thoroughfare.

1.12
Street Planting
Strip for
Pre-existing
Development

On pre-existing developed lots where sufficient road frontage depth is not available for the required planting strip in 1.11 above, all available yard depth shall be utilized to provide

the required front planting strip width. Such planting strip area can be combined with other plant material on the site to provide attractive landscaping throughout the property.

1.2 Planting Requirements

1.21 Plant Material Requirements

Required street planting strips shall consist of planted shrubs, ground cover, hedges or other live plant material placed in combination with trees planted approximately 50' apart. For maximum protection for pollution and for noise control, such landscaping should consist of closely planted shrubs and hedges of increasing heights followed by larger shrubs and trees further from the street with such planting strip extending along the entire lot frontage abutting the street, except where prohibited or restricted by vehicular or pedestrian crossings or by other Zoning or Code requirements.

In cases of larger lots with deeper yards, the required landscaping can be provided adjacent to the structure or in combination with other landscaping on the site.

1.22 Use of Right-of-way

Such street planting strips may be combined with landscaping by the applicant, within the City's right-of-way, provided such plantings and the placement thereof have been approved by the City Council upon the recommendation of the Planning Commission. The Council may also reduce the required street planting strip width on the inside of the property line abutting the street one foot (1') for each one foot (1') utilized in the City's right-of-way.

Section 2. Buffers.

Buffers are required for land use activities or districts to separate incompatible uses or reduce adverse conditions. Individual rezoning request which have been studied and evaluated for unique buffering situations may have requirements imposed above those indicated below. Such additional requirements shall be approved by the City Council upon Planning Commission recommendation and be so stated in any zoning approval. As a minimum, the following buffers and screening shall be provided:

2.1 Buffer Requirement

2.11 Commercial Buffer Width

Where commercial uses or districts abut or are adjacent to a residential, institutional or apartment use or district, a 10' wide buffer shall be provided along the inside of the property line abutting the residential, institutional, or apartment use or district.

2.12 Buffer Plant Material

Such buffer shall consist of a 10' plant screen consisting of closely planted hedge, shrubs, trees (approximately 50 to 100 feet apart) and other vegetation along the entire property line except where restricted by access or other zoning or Code restrictions.

2.13 Parking Lots/ Open Storage Spaces

Parking lots or open storage areas that abut a residential, institutional or apartment use or district shall provide a 15' buffer along the entire abutting property line, as set forth in Section 2.12 of this Ordinance.

2.14
Industrial
Buffers

In all industrial districts, a plant buffer strip shall be provided around that portion of the property or industrial district that abuts a residential, institutional, or apartment use or district as well as a street or any other portion of the property as indicated by the City Council upon Planning Commission recommendation. The minimal plant buffer shall not be less than 15' in width as set forth in Section 2.12 and may be increased in width according to industrial type, site landscaping, parking lot location, use, or other considerations as determined by the City Council upon Planning Commission recommendation.

Section 3. Landscaping.

All new development (excluding open parking lots which shall meet the requirements of Article VIII) within commercial, industrial, institutional, and apartment districts, except the C-4 district, and in all new multi-family development and planned unit developments, landscaping consisting of trees, shrubs, ground cover, grass and other plant material or area left in the natural state shall be provided on at least fifteen (15) percent of the site.

3.1 Landscaping Requirement

3.11
Area
Requirement

Any required open space, buffers, screening or street planting strips may be used to satisfy the fifteen (15) percent landscaping requirement.

3.12
Shading

Maximum effort shall be made to utilize a portion of the required fifteen (15) percent landscaping around primary use structures to eventually provide approximately thirty

(30) to fifty (50) percent shading of all exposed horizontal building surfaces and particularly southern walls adjoining sidewalks and other pedestrian areas. Where possible, vegetation types should be selected to minimize shading of structures during the winter and maximize shading during the summer. Such areas should consist primarily of deciduous types placed primarily along southern exposures. Additionally, pines and flowering plants, as well as mechanical shade devices can be utilized to provide shading for structures.

3.13 Solar Devices

Shading of structures should be limited primarily to horizontal surfaces to allow for the potential use of solar energy systems on roof tops or peaks. Shading of such roof peaks or areas supporting or used for solar energy devices shall be avoided wherever possible and any adjoining shading, landscaping, or buffering requirements shall be located so as not to adversely interfere with the maximum available insolation upon such roof areas. Deciduous trees should be utilized for shading of structures providing for solar systems.

Section 4. Review, Permits, and Exceptions

Except for single family development within residential districts, where buffers, planting strips, and landscaping are required, a site or design plan shall be submitted to the Chief Building Inspector prior to issuance of a building permit or Certificate of Compliance. This site or design plan may be a part of the plot plan required for an application for a building permit in accordance with Article VIII, Section 3.

4.1 Review

The Chief Building Inspector shall review the landscaping plan with the Planning Director and may request the Planning Commission to make any recommendations on or approve the plan prior to making any final disposition.

4.2 Certificate of Compliance

Where weather or season permits, 75% initial planting to satisfy buffer planting strip or landscaping requirements shall be evidence before the issuance of a Certificate of Compliance.

4.3 Variances

Variances from the above buffer, planting strip and landscaping requirements may be granted by the Board of Zoning Adjustments on recommendation by the Planning Commission, provided the intent of this Article is preserved.

4.4 Non-conforming uses

All non-conforming uses or situations not in compliance with Sections 1-3 of this Article, shall be required to comply with these provisions within ten (10) years following the adoption of this Ordinance, unless an additional, reasonable amortization period or variance is granted upon appeal to the Board of Zoning Adjustments.

ARTICLE VI. PLANNED UNIT DEVELOPMENTS (PUD) CONDITIONAL USE:

The intent of the Planned Unit Development Conditional Use is to permit greater flexibility and, ultimately, more creative and imaginative design for the development of areas than generally is possible under conventional zoning regulations. It is further intended to promote more economic and efficient use of the land while providing a more harmonious variety of dwelling choices, a higher level of urban amenities, and preservation of natural scenic qualities and open space. For the purpose of this Ordinance, the planned unit development (PUD) is designed as a land development project planned as an entity, by means of a site plan which permits flexibility in building siting, mixtures in housing types and land uses, useful open space and the preservation of significant natural features.

Subject to the approval of the City Council, the design standards as set forth in this Ordinance may be modified by the Planning Commission and may consist of offices, institutions, stores, industries, townhouses, and residences or any desirable combination of these establishments. Proposed ownership of a planned unit development may be individual, partnership, corporation, cooperative, condominium, or any desirable combination.

Section 1. Area and Bulk Requirements

The following regulations limiting the development and arrangement of buildings and/or land are required within this Article:

1.1 Lot Requirements

Individual lot size may be varied, but the overall density of a planned unit development shall not exceed that permitted by the applicable zoning district.

Section 2. The North Carolina Unit Ownership Act

Unit ownership may be created by the owner or co-owners of a building by an express declaration of their intention to submit such property to the provisions of the "Unit Ownership Act of North Carolina," which declaration shall be prepared in strict compliance with the North Carolina Unit Ownership Act, reviewed and approved by the Planning Commission and recorded in the office of the County Register of Deeds.

2.1 Application

Application for a PUD Conditional Use shall be made to the Planning Commission and shall include a site plan showing:

- 2.11 Location
- 2.12 Dimensions and proposed use of all property and buildings;
- 2.13 All existing or proposed public or private easements;
- 2.14 Base flood elevation line;
- 2.15 Rights-of-way;
- 2.16 Curb cuts;
- 2.17 Driveways;
- 2.18 Off-street parking and loading/unloading areas with spaces delineated;
- 2.19 Walkways;
- 2.20 Proposed walls, fences or other screening materials;
- 2.21 Types of paving or other surfacing to be used;
- 2.22 Surface water drainage plans;
- 2.23 Any designated or potential Areas of Environmental Concern, marshes, swamps, unique wooded areas and other natural conditions affecting the site;
- 2.24 Landscaping plans, showing proposed plant materials;
- 2.25 Recreation/open space areas and proposed facilities;
- 2.26 Various other site information as may be necessary to describe completely the proposed development.

Section 3. PUD Site Planning: External Relationships

Site planning in the proposed PUD shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. Consideration will be given to the location of uses, buffers, screening, set-backs, and street design and arrangement in the evaluation of the relationship of the development to its surrounding areas.

Section 4. PUD Site Planning: Internal Relationships

4.1 Service and emergency access.

Access and circulation shall adequately provide for fire fighting equipment, service deliveries, and refuse collection.

4.2 Underground Utilities.

4.21
Electricity &
Communications

Planned unit developments shall provide for underground installation of utilities, including telephone and power, in both public and private rights-of-way, except when extreme physical conditions make this requirement unreasonable.

4.22
Storm
Sewers

Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm waters, prevent erosion and formation of dust.

4.3 Pedestrian Ways

4.31
Walkway
Location

Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities

and principle off-site pedestrian destinations.

Walkways to be used by substantial numbers of children as play areas or routes to schools or other destinations shall be so located and safeguarded as to minimize contacts with normal automotive traffic.

4.32
Street
Crossings

Street crossings shall be held to a minimum. The use of pedestrian underpasses and/or overpasses is encouraged.

4.33
Emergency/Service
Vehicle
Usage

Walkways may be combined with other easements and used by emergency or service vehicles, but shall not be used by other automotive traffic.

4.4 Open Space

In PUD projects, fifteen (15) percent or more of the gross acreage shall be reserved as open space, designed and intended for the enjoyment or use of residents or patrons of the proposed development or for the general public, not including streets or off-street parking areas.

4.41
Structures

Common open space shall be substantially free of structures but may contain such improvements as are appropriate for the benefit of the users. Residential portions of a PUD must comply with Article 5, Section 11 (Recreation, Park and Open Space) of the Elizabeth City Subdivision Regulations.

4.42
Location

The location, shape and character of the common open space must be suitable for the proposed development.

4.43
Use

Common open space shall be used only for amenity or recreational (active or passive) purposes of a non-profit nature. However, this does not preclude a monetary charge for recreational purposes, such as golf course, when such uses are primarily for the residents of the planned unit development. The uses authorized for the common open space must be appropriate to the scale and character of the development, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

4.44
Improvements

Common open space must be suitably improved for its intended use, but common open space containing natural features clearly worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the area having regard to its topography and unimproved condition.

4.45
Maintenance

Provision for continuous maintenance of open space set aside in accordance with the above regulation shall be made by the developer or through the establishment of a home owners' association, as set up in Article 5, Section 11(e), of the Elizabeth City Subdivision Regulations, or through dedication to the City, if acceptable.

ARTICLE VII. MOBILE HOME DEVELOPMENTS

Because of the special problems related to mobile home developments that are not necessarily associated with other developments, it is necessary to provide for separate standards relating to their construction so as to: (1) Promote the safety and health of the residents of such communities and of other communities; (2) Encourage economical and orderly development of such communities and other nearby areas; and (3) Provide appropriate locations with improved amenities within the community which are accessible to and specifically for mobile homes, including renter or owner units.

Section 1. Application for Special Use Permit Required

It shall be unlawful for any person to construct, alter or extend any mobile home development within the planning and zoning jurisdiction of Elizabeth City unless he obtains a special use permit approval for the specific construction, alteration, or extension proposed. Prior to consideration for a special use permit, the mobile home development parcel shall be zoned as a residential mobile home district (RMH District).

1.1 All applications for special use permits shall contain the following:

1.11 Specific Data Required

- 1.11(a) The area and dimensions of the tract of land and relationship to adjacent areas;
- 1.11(b) The location of all mobile home lots or mobile home stands;
- 1.11(c) The location and width of roadways, including proposed, existing, and adjacent access roads;
- 1.11(d) Plans and specifications of the water supply and sewage disposal facilities;

- 1.11(e) Plans and specifications for all community service buildings;
- 1.11(f) Surface water drainage plans;
- 1.11(g) Sedimentation control plans;
- 1.11(h) All structures in the park site (present or proposed);
- 1.11(i) Recreation areas and proposed facilities;
- 1.11(j) Method of surfacing roads within the park;
- 1.11(k) The location of all utility lines, location and intensity of area lights, utility raiser diagrams and typical utility connections to mobile homes or a statement indicating that the power or utility companies will be responsible for design and installation of the electric or utility system;
- 1.11(l) Where City water and sewer are available, approval by the City of Elizabeth City or the applicable County agency for water and sewer for areas beyond the City's system;
- 1.11(m) Designated as potential Areas of Environmental Concern unique wooded areas, marshes, swamps, floodways and flood plains (as shown on the maps for the Federal Flood Insurance Administration of the applicable Flood Plain Ordinance) and other conditions affecting the site.
- 1.11(n) Zoning classification(s) for the park site and adjoining properties.
- 1.11(o) In the case of any park located wholly or partly within a flood plain or floodway area as such plain or area is designated in any applicable flood plain or flood hazard ordinance, the Planning Commission

may require evidence which, in its judgement, is satisfactory to show compliance with such Ordinance.

1.11(p) In the case of any park which is located wholly or partly within an "area of environmental concern" or conservation land classification, as such is designated in the City Land Use Plan and by the Coastal Resources Commission, the Planning Commission may require evidence which, in its judgement, is satisfactory to show the issuance and compliance with any necessary permits or limitations.

1.11(q) In the case of any park involving land or facilities dedications, or restrictive covenants created by the developer, or a property owners' association (mobile home owners' or travel trailer owners' association) created by the developer, the Planning Commission may require the submission of all legal documents relating to such things and may also require the City Attorney to review such documents as to their legality, at the expense of the developer.

1.11(r) In the case of any park involving any facility, project, activity, undertaking, or development which may require a permit under any Federal, State, or local laws or regulations, the Planning Commission may require evidence which, in its judgement, is satisfactory to show the issuance of such permit or the exemption of such facility, project or development from the requirement of such permit.

1.12
Other
Data
Required

Any other information considered by either the developer or the Planning Commission to be pertinent to the approval of the application shall be submitted, including:

- 1.12(a) An environmental impact statement if the proposed park or expansion of an existing park exceeds two (2) acres in size and if the Commission deems it necessary due to the nature of the land or peculiarities of the proposed layout.
- 1.12(b) Advertising materials to be used in selling lots or dwellings.
- 1.12(c) Design data and sale price ranges for any dwellings to be constructed or considered.

1.2 Application Review

Applications for special use permits shall first be reviewed by the Elizabeth City Planning Commission who shall make recommendations to the City Council. The Planning Commission may require resubmittal of a revised plan, if the proposed plan is not in accordance with the provisions of this Ordinance or considered not to meet the development standards. Failure on the part of the Planning Commission to act within sixty (60) days after the plat is submitted to the Planning Commission shall be deemed as approval by the Planning Commission. A fee of one dollar (\$1.00) per lot or a minimum of ten dollars (\$10.00) (whichever is greater) shall be charged for processing a special use permit application.

1.3 Application Decision Process

1.31

The City Council shall make the final decision. A public hearing may be held by the City Council to make a final decision. In

making a final decision, the City Council shall evaluate the special use application and make findings as follows:

- 1.31(a) That the use will not materially endanger the public health or safety if located where proposed and developed according to plan submitted and approved;
- 1.31(b) That the use meets all required conditions and specifications.
- 1.31(c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 1.31(d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Elizabeth City comprehensive plan.

**1.32
Secondary
Findings**

In determining the findings, the City Council shall consider, among other findings:

- 1.32(a) The potential adverse effect the mobile home development might have on the character of adjacent districts, property values, or any adverse effect on the development itself.
- 1.32(b) Any adverse impact the mobile home development might have on any special interest district or area such as the Downtown or West Main Street Historic Districts or conservation easement areas.
- 1.32(c) Whether or not the proposed mobile home development meets the requirements of this Ordinance and all applicable local, State or Federal requirements,

and is in keeping with the City's comprehensive plan, including the Land Use Plan.

1.4 Special Use Permit Approval or Disapproval

The City Council may require the developer to submit a revised plan, if the development is not approved or conditionally approved. If the development is not approved, the reasons for such action shall be stated, and recommendations made on the basis of which the proposed development could be approved. Approval of the special use permit by the City Council shall be the authorization for the mobile home development construction to begin with authorization to proceed in obtaining necessary building permits. Appeals from the City Council's decision may be taken to the Pasquotank County Superior Court.

Section 2. Assurance of Completion as Planned and Approved by the Special Use Permit

Within one (1) year after approval of a special use permit, the mobile home development shall be completed as required for final approval and issuance of an operating permit. An extension of time may be granted by the City Council, but shall not exceed two (2) years from the date of approval of the special use permit. Additional time shall require reapplication for a special use permit for construction to continue.

In certain cases, as determined by the City Council with recommendations from the Planning Commission, guarantee of improvements shall be required as set forth in the Elizabeth City Subdivision Regulations.

Section 3. Operating Licenses and Specific Requirements for Final Approval

3.1 Issuance of Operating License and Final Approval

Upon completion of the mobile home development as planned and in accordance with this Ordinance, and upon a final inspection by the Chief Building Inspector to insure compliance, an Operating License and Certificate of Compliance shall be issued by the Chief Building Inspector as final approval.

3.11 Operating Requirements

It shall be unlawful for any mobile home development to occur, operate, or be constructed, expanded, or altered without:

3.11(a) Being authorized by a special use permit, and

3.11(b) Holding an operating license, issued upon final approval of such development and renewed annually.

3.2 Mobile Home Park Final Approval

For final approval of a mobile home park, the following elements shall be completed as planned and in compliance with this Ordinance:

3.21 Construction Requirements

The construction of the following items shall be completed prior to final approval:

Streets, utilities (including primary and individual water, sewer, and electrical systems), drainage ways, common and individual parking areas, mobile home stands, utility connection facilities, recreation area, required special facilities, layout of lots, and required environmental amenities.

3.22 Management Program

Prior to final approval, a mobile home development management program shall be completed.

3.3 Mobile Home Subdivision

For final approval of a mobile home subdivision, the following elements shall be complete as planned and in compliance with this ordinance:

3.31 Construction Requirements

Construction of streets, utilities (including primary distribution of water, sewer, and electrical system, but does not have to include individual utilities to or connections on individual lots or mobile home stands), drainage ways, common walks, recreation areas, required special facilities, layout of lots, and required environmental amenities.

3.32 Renewal & Fees

Operating licenses shall be renewed annually and shall be obtained upon annual inspection and approval by the City Building Inspector. A fee of ten dollars (\$10.00) shall be charged for inspection and issuance of each operating license.

3.33 Management Program

Prior to final approval, a mobile home development management program shall be completed.

Section 4. Mobile Home Development Standards

4.1 The minimum area required for the development of a mobile home park or subdivision shall be one (1) acre. The area shall be zoned as a residential-mobile home district (RMH). In addition, condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the residents. The site shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences, and no portion subject to predictable sudden flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

4.11
Minimum
Lot
Size

The minimum lot size for a mobile home park shall be at least 6,000 square feet with a sixty (60) foot width for each mobile home.

The minimum lot size for a mobile home subdivision shall be at least 8,000 square feet with an eighty (80) foot width for each mobile home.

These minimum lot sizes shall require both central water and sewer.

The District Health Department lot size requirements shall prevail in situations where central water or sewer are not provided.

4.2 General Development Standards

The following general standards for a mobile home development shall be met:

4.21
Mobile
Home
Placement

No mobile home shall be located closer than 20 feet from any other mobile home or permanent building within the mobile home development, except in the case of accessory structures on the mobile home lot, in which case 10 feet shall apply.

All mobile homes shall be located at least 25 feet from the property boundary line and at least ten (10) feet from other boundary or lot lines of the development.

4.22
Mobile
Home
Stand
Placement

Mobile home stands shall not occupy an area in excess of one-third ($1/3$) of their respective lot area. The accumulated occupied area of the mobile home and its accessory buildings on a mobile home lot shall not exceed two-thirds of the respective lot area.

There shall be a minimum distance of ten (10) feet between the mobile home stand and the local or access street.

4.23 Recreation Areas

Not less than eight (8) percent of any mobile home development parcel shall be provided for a recreation area and facilities unless otherwise indicated. This area shall generally be provided in a central location suitable for such use. In larger developments or more than ten (10) acres, recreational areas and facilities may be de-centralized, provided one large play area (to accommodate a ball or playing field) remains intact. Recreational areas may include space for community service facilities, such as indoor recreation, hobby and craft areas, service functions (laundry, office, and lavatories), and swimming pools. Recreational areas shall be permanently reserved by legal easement or dedication and require a legal and binding agreement for the provision and maintenance of recreational areas and facilities. Subject to City Council approval, the City of Elizabeth City Recreation Department may participate in any such agreements.

Where individual lot areas are substantially above the minimum standards by fifty (50) percent or more, an exemption shall be granted in required recreation area to an extent that an absolute minimum of 100 square feet per lot shall be considered sufficient for the recreation area, provided that no recreation area shall contain less than 6,000 square feet for a mobile home park and 8,000 square feet for a mobile home subdivision. However, the City Council may require the dedication and development of a larger central area in mobile home

developments of ten (10) acres or more for purposes of a recreational area owned by a home owners' association or by the City.

Where a mobile home development is less than two (2) acres, or has fewer than ten (10) mobile homes, the recreational area and facility requirements may be exempted by the Planning Commission and City Council.

4.24 Screening

A minimum area of twenty (20) feet wide shall be reserved and maintained for screening or buffering purposes around the entire mobile home development outer boundary or property line. This buffer or screen area shall not be deducted from any mobile home lot that borders the boundary. The screen or buffer area shall be provided as follows:

4.24(a) All mobile home development boundaries adjacent to streets, railroads, industrial or commercial uses, or any other use incompatible with residential development shall be provided with sufficient screening in the form of an eight (8) foot high fence or natural growth (trees, and landscaped plantings, or open space) to shield the mobile home development residents from adverse effects or incompatible uses.

4.23(b) All mobile home park boundaries adjacent to residential uses shall be provided with screening in the form of a fence or natural growth.

4.23(c) A buffer of open space without natural growth or

fence buffer may be sufficient along boundaries adjacent to the natural environment, such as water courses, forest, or open fields, provided adequate screening shall be provided at a future time if incompatible uses occur in these areas after the mobile home development occurs.

Section 5. Mobile Home Development Improvements

Mobile home development improvements, such as streets and related site improvements shall be provided as follows:

5.1 Traffic Circulation and Street Design

All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways, or other means.

5.11 Entrances

Entrances to mobile home developments shall have direct connection to a public street and shall be designed to allow free movement of traffic on such adjacent public streets.

No parking shall be permitted on the entrance street for a distance of one-hundred (100) feet from its point of beginning.

5.12 Circulation and Access

The street system shall provide convenient circulation by means of properly located and well-drained street layout with convenient access provided to each mobile home stand and other facilities.

The access to each stand on the mobile home lot shall be reserved for such use and kept free of immovable obstructions with the exception of small plantings. This access shall be

aligned and graded for safe and efficient movement of the mobile home, but need not be paved.

5.13
Dead-end
Streets

Dead-end streets shall be limited to 500 feet in length with their closed end provided with adequate turn arounds or cul-de-sacs consisting of at least eighty (80) feet diameter.

5.14
Street
Design
Layouts

The street system shall be designed and graded for adequate drainage and provide ample movement, turning, and maneuvering space for safe and efficient handling of any mobile home as well as normal traffic use. Tight corners, curves, or access spaces shall be avoided.

5.15
Street
Right-of-way

A minimal street right-of-way of fifty (50) feet shall be reserved to insure adequate unobstructed maneuvering space for traffic circulation, utility easements, plantings, common walks, and street pavement with curbs or valley gutters.

5.16
Pavement
Requirements

Pavement shall be of appropriate material consisting of a prepared base or sub-base composed of a uniformly graded, durable, well-drained, and compacted material two (2) to four (4) inches thick, and a smooth and hard wearing surface composed of bituminous concrete, cement with expansion joints, or other dense and durable material one (1) to five (5) inches thick.

Pavements shall be of adequate widths to accommodate any contemplated parking and traffic load. Minimum paving widths (face-to-face of curb) shall be twelve (12) feet per traffic lane with eight (8) feet for any parallel parking lane.

Pavement edges shall be protected by mountable curbs or concrete valley gutters to prevent edge raveling and shifting on the base, as well as provide for drainage. The surface and curbs or gutters shall be maintained free of cracks or holes.

5.17
Street
Intersections

Street intersections should generally be at right angles with intersections of more than two (2) streets or off-sets at intersections avoided.

5.18
Grading

Street grades shall be sufficient to insure adequate drainage and safe traffic flow.

5.19
Lighting

Lighting shall be located every 100-200 feet throughout the street system. Potentially hazardous locations, such as major street intersections, speed bumps, steps, or stepped ramps shall be individually illuminated.

5.2 Maintenance and Reservation

5.21
Street
Dedication

In addition to the street standards above, all streets intended for State maintenance shall also be designed to meet the Department of Transportation, Division of Highways, Minimum Design and Construction Criteria.

All streets intended for State or local maintenance shall be dedicated and approved as set forth by the Department of Transportation or Elizabeth City Subdivision Regulations.

All streets considered for private maintenance shall be by written and legal agreement binding to all current or any

future owners of the development. All such streets shall be reserved through dedication or easement to the appropriate authority or organization for the safe and convenient access to each mobile home lot or community service facility.

5.3 Parking

Improved car parking spaces shall be provided to meet the needs of the mobile home occupants and guests, but shall not be less than two (2) car spaces for each lot. These spaces can be provided in tandem off-street, or as one-off-street and one on-street parking facility.

5.3 Mobile Home Stand Driveway

An improved driveway at least ten (10) feet wide shall be provided where needed to allow access to the mobile home. The off-street parking space and driveway may be combined.

5.4 Walks

5.41 Common Walks

Common walks shall be provided in locations where pedestrian traffic is concentrated, for example, between a concentration of mobile homes and a community facility, office, or other important facilities, or where pedestrian traffic walks shall be at least three (3) feet wide without barriers to the handicapped. Sidewalks may be combined with street sides or curbs.

5.42 Individual Walks

Individual walks may be provided at all mobile home stands and may be connected to common walks, or to streets, driveways, or parking spaces. Such individual walks, where provided, shall be a minimum of one and one-half (1½) feet in width.

5.5 Drainage

Places for the collection and disposal of surface and sub-surface water shall be provided in the form of paved gutters, or drain lines. These drainage facilities shall be constructed of adequate size, design and material to be durable and appropriate for proper drainage. Drainage facilities shall be located in public rights-of-way or dedicated easements, including street rights-of-way. All drainage facilities shall be enclosed, included in curb design, or attractively constructed.

Section 6. The Mobile Home Lot

6.1 General Improvements

Each mobile home lot shall be provided with the following improvements prior to or at such time as the mobile home is located thereon. These provisions shall be made by the developer or owner of the mobile home park, or may, instead, be provided by the individual lot owner in a mobile home subdivision.

6.11 Outdoor Living and Service Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. A minimum area should be not less than 300 square feet with a least dimension of fifteen (15) feet.

Individual walks, parking spaces, and driveways shall be provided in accordance with Sections 5.2, 5.3, and 5.4, of this Article.

6.12
Mobile
Home
Stand

A mobile home stand shall be provided to serve as a fixed support for the mobile home and frame. The stand shall be designed so as to remain intact without unsafe deformation or abnormal internal movement under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. The mobile home stand shall be graded for adequate surface drainage. At a minimum, the stand shall contain runways along the entire stand length for the mobile home frame supports and shall be constructed of a suitable and durable material capable of supporting the weight of the trailer, during removal, placement, or normal use operation. Four (4) inches of reinforced cement or bituminous concrete are considered suitable material for the runways.

The stand area shall be sized and shaped to fit the dimensions of the mobile home it will accommodate, and only the size mobile home that can be accommodated by the stand and runway size and shape shall be allowed, unless provisions have been made for stand expansion and the necessary expansion has been completed.

The mobile home stand shall include adequate provisions for utility connections as set forth in the State of North Carolina Regulations for Mobile Homes and Modular Housing and administered by the Chief Building Inspector.

6.13
Flood
Plain
Requirements

All such supports for mobile home development within the flood plain shall be elevated to insure that the mobile home floor is above the base flood elevation for that area

or insurance zone as administered by the Chief Building Inspector.

6.14
Ground
Anchors

Provision for ground anchors shall be made along each side of the mobile home stand to permit tie downs of mobile homes in accord with the State of North Carolina Regulations for Mobile Homes and Modular Housing.

6.15
Corner
Markers

Lot corners shall be appropriately marked.

6.2 Utilities

All utility connections, and sanitary facilities serving mobile homes shall be in accordance with the State of North Carolina Regulations for Mobile Homes and Modular Housing. Applicable County regulations and the following City requirements shall apply:

6.21
Water
Supply

Each mobile home development shall provide a water supply in accordance with Article 5, Section 9(a) of the Elizabeth City Subdivision Regulations. The drinking, cooking, laundry and general bathroom supply for each individual mobile home shall be obtained only from faucets or other such connections located within each mobile home.

6.22
Sewage and
Disposal

Each mobile home development shall be provided with an adequate sewage disposal system, in accordance with the sewer system standards provided in Article 5, Section 9(b) of the Elizabeth City Subdivision Regulations.

6.23
Garbage
Disposal

All garbage and refuse in any mobile home park or subdivision shall be stored in water tight and fly tight receptacles, in accordance with District Health Department regulations. No person shall throw or leave refuse upon the grounds.

It shall be the duty of the mobile home park operator to make certain that all garbage and refuse is disposed of in a regular and sanitary manner within mobile home parks.

All dumpsters utilized for garbage and refuse shall be visually screened,

6.24
Underground
Wiring

Except for mobile home developments of fewer than five (5) mobile homes, all utility lines for local distribution of electric power and communications service shall be installed underground. Such underground wiring shall be installed in accordance with the standards and requirements of the applicable electrical supplier and communications company.

6.25
Fire
Protection

Water supply and facilities shall be adequate for fire protection within the mobile home development and shall be approved by the applicable fire department having jurisdic-

tion.

6.3 Individual mobile home standards shall be as follows:

6.31
Anchoring

Mobile homes shall be properly anchored or provided with tie-downs, in accordance with the State of North Carolina Regulations for Mobile Homes and Modular Housing.

6.32
Skirting

All mobile home parks shall have temporary skirting installed in accordance with the instructions of the park management.

All mobile homes within a mobile home subdivision shall have installed a permanent skirting of brick, cement block, aluminum or similar material.

6.34
Steps

Steps shall be provided to all mobile home entrances and shall be durable, safe and convenient to maintain.

6.4 Special facilities required for a mobile home park of 20 or more mobile homes shall be as follows:

6.41
Management
Office

A management office consisting of offices and one restroom facility shall be provided.

6.42
Management
Storage
Facilities

Management storage facilities, for storing utility, accessories and maintenance materials, supplies and equipment shall be provided.

6.43
Laundry/
Emergency
Sanitary
Facilities

Laundry and emergency toilets for each sex shall be provided for every 50 mobile home units. The laundry facilities can be coin operated and shall be required unless there is a convenient or commercial laundry within close proximity or if the equipment will not have sufficient use.

The above facilities can be combined into a multi-purpose service building, mobile structure, or other structure.

Section 7. Requirements for Mobile Home Park or Subdivision Management Program

A mobile home park or subdivision shall be required to have a management program. This program shall be as follows:

- 7.1 The owner or developer(s) of a mobile home park or subdivision shall be responsible for providing a person or manager in charge of a mobile home development whose duties shall be to:

7.11
Supervision

Provide adequate supervision to maintain the community in compliance with this Ordinance and other appropriate local, State and Federal regulations, and to keep its facilities and equipment, if any, in good repair and in a clean, safe, and sanitary condition.

Notify development residents for all applicable regulations.

Supervise and assist in the placement of each mobile home and mobile home stand to insure proper placement, stability, installation, connection, and compliance with all applicable requirements and regulations.

7.12
Record
Maintenance

Maintain a record of all mobile home development residents or owners identified by street or lot number.

7.13
Enforcement

Notify the property authorities or enforcing agency in the event of a health, safety, or other serious problem.

- 7.2 The management program shall also include provisions for:

Maintenance and upkeep provisions;

Any specific park or subdivision regulations or maintenance standards;

Responsibilities or requirements expected of the residents; Solid waste, including collection, and disposal where City or private disposal service is not available;

Provisions for the control of rodents, debris, storage, growth or brush, weeds, or undergrowth, and other hazards or nuisances.

Section 8. Other Requirements or Restrictions

8.1 A mobile home park may contain up to two lots for the special purposes of providing temporary overnight facilities or hook up for travel trailers or campers, provided these lots are separated from other mobile homes and meet the District Health Department regulations governing travel trailers.

8.2 Existing Mobile Home Developments

Existing mobile home developments shall not be allowed to expand unless such expansion meets the requirements of this Ordinance.

8.3 Completion of Mobile Home Development in Stages

Mobile home developments may be constructed in stages, provided:

8.31
Special Use
Permit

A special use permit is approved based upon the total proposed development plan and an agreed upon construction schedule.

8.32
Operating
Permit

Operating permits are issued for that portion of the completed development that is in compliance with this Ordinance.

8.33
Special Use
Permit
Reevaluation

Where the construction schedule is not maintained within a reasonable time period, not to exceed one (1) year, the mobile home development shall require reevaluation for a special use permit.

ARTICLE VIII. OFF-STREET PARKING AND LOADING/UNLOADING REQUIREMENTS

There shall be provided, at the time of erection of any building or at the time any principal building is enlarged or increased in capacity by the addition of dwelling units, guest rooms, seats, or floor area or before conversion from one (1) type use or occupancy to another, permanent off-street parking and unloading space in the amount specified by this Article. Parking requirements for any use not specifically listed or implied shall be set by the Board of Zoning Adjustments.

Section 1. Parking Space Defined

A parking space is defined as an off-street space available for the parking of motor vehicles, the minimum dimensions of which shall be 9' in width and 18' in length, with a total of 162 square feet, exclusive of passage ways and driveways appurtenant thereto.

Section 2. Minimum Off-Street Parking Requirements

Except for the C-4 district, the number of spaces required as a minimum for a particular use shall be as follows:

<u>Primary Land Use Activity</u>	<u>Required Number of Parking Spaces per 1000 Square Feet Of Primary Use Floor Space Unless Otherwise Stated (1)</u>
Retail stores including banks	5
Office or professional	4
Churches, assembly areas, or theatres, including funeral homes	1 space for every 5 seats
Restaurants or other eating places	1 space for every 4 seats
Automotive, appliances, furniture, and equipment	3

Primary Land Use Activity	Required Number of Parking Spaces Per 100 Square Feet of Primary Use Floor Space Unless Otherwise Stated (1)
Medical centers	7
Manufacturing, warehousing, or industry	1 for every 3 employees and at least 1 visitor or customer space for each 5,000 square feet of primary use floor space up to 50,000 square feet plus 4 per 100 square feet of office space.
Residential, including motels, single-family, and hotels	1 per unit, motel room, dwelling unit or dwelling
Libraries or museums	4
Recreation or community centers	30% capacity in persons
Motor vehicle sales and other outdoor equipment sales	2
Government and institutional offices	3
Bus station or other transportation depots	5
Apartments and multi-family	2 per unit or dwelling
Hospitals or nursing homes	1 space for each 3 beds
Private clubs or lodges	5
Shopping centers	5

Section 3. Parking Spaces and Driveways

Driveways, in the absence of garages or carports, shall be considered as providing the required off-street parking space for single family and two-family dwellings provided that sufficient space is available in such driveways to meet the requirements of Section 2 of this Article.

-
- (1) Primary use floor space shall be defined as that portion of a structure or principle building where the primary land use is conducted and need not include subordinate use space which is incidental or accessory to that of a primary use.

Section 4. Combinations of Required Parking

The required parking space for any number of specific uses may be combined in one (1) lot, but the required spaces assigned to one use may not be assigned to another use except that one-half (1/2) of the parking space requirement for theatres, assembly halls, or similar uses whose peak attendance would be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.

Section 5. Parking Lot Location

On all off-street parking lots, the required space shall be required on the same lot with the use or on a lot separated therefrom by not more than 400 feet, except those for residential uses which must be provided on the same lot.

Section 6. Design, Construction, and Maintenance

6.1 Design

6.11
Review of
Plans

Each application for a Building Permit or Certificate of Compliance submitted to the Chief Building Inspector as provided in Article IX, Administration, Enforcement and Penalties, shall include information as to the location, buffering and designation of off-street parking and loading space and the means of ingress and egress to such spaces. This information shall be in sufficient detail to enable the Chief Building Inspector to determine whether or not the requirements of this Section are being met.

6.2 Off-Street Parking Facilities shall be designed as follows:

6.21
Design
Standards

6.21(a) Have physical access to open public streets maintained by the City or State.

- 6.21(b) Conform to generally accepted geometric design standards such as published by the Institute for Traffic Engineering.
- 6.21(c) To permit ingress and egress only by the forward motion of the vehicle.
- 6.21(d) To allow free movement into and out of each parking space without interfering with fixed objects or other parked vehicles.
- 6.21(e) Minimize delay and interference with traffic on public streets and access drives;
- 6.21(f) Maximize site distances from parking lot exits and access drives.

6.3 Shading

At least thirty (30) to fifty (50) percent of open parking lot area shall be covered by tree shade within fifteen (15) years of initial planting. Such tree shading requirements shall be accomplished by utilizing existing foliage on site, and/or uniform planting of shade trees (a minimum of one (1) for every ten (10) parking spaces) throughout the open parking area to provide the required shade.

6.4 Buffering

6.41 Residential, Institutional Uses/Districts

Along the inside property lines of open parking lots that abut a public street, residential and institutional uses and districts, a 15' buffer strip shall be required to protect residences and institutional uses from light, glare, noise,

and fumes. This buffer shall be required except where limited or required to remain open for safe traffic or pedestrian movement or required by other zoning or Code restrictions. Such buffer area may be used for the planting of trees to meet the shading requirement.

6.42
Central
Business
District

Within the older, developed downtown section of the City (Bounded by Elizabeth Street on the north, Ehringhaus Street on the south, Cobb Street on the west, and the Pasquotank River on the east) where the requirements of this section may be excessive due to the intensely developed nature of the area, the Chief Building Inspector shall have the authority to reasonably reduce, but not eliminate, the 15' buffer requirement so long as the intent of this section is accomplished and the 30 - 50 percent shading requirement in Section 6.3 is met.

6.43
Use of
Rights-of-way

Parking lot buffers along streets may be combined with landscaping by the applicant within the City's street rights-of-way, provided such planting and placement have been approved by the City Council upon recommendation from the Planning Commission. Council may reduce the required planting strip width on the inside of the property line along the street for every foot utilized in the City's rights-of-way.

Section 7. Parking Lot Construction

7.1 All parking lots shall meet the following construction requirements;

7.11 Surfacing

All parking lots shall be graded and surfaced with either a permeable (crushed aggregate, turf block), semi-permeable (gravel, cobble stone, semi-permeable tar/gravel mixture, brick) or a non-porous (concrete, asphalt) material. Materials used shall provide a durable and dustless surface, minimize runoff, and dispose of accumulated water into the City's storm drainage system, a natural water course, or drainage easement.

7.12 Curbing

Where permeable or semi-permeable materials are used, a retaining border, such as concrete curbing, timbers, or other suitable material, shall be provided around parking lot area edges to stabilize and contain the surface material.

7.13 Walkways

Where gravel or other crushed aggregates are used, hard surface pedestrian walkways shall be provided where practical or appropriate to provide safe pedestrian access and movement to parking spaces.

7.14 Drainage

Parking lots shall not drain onto or across public sidewalks or onto adjacent property, except into a natural water course or a drainage easement, and shall meet the drainage requirements of Section 7.11 above.

7.15
Space
Delineation

All parking spaces shall be marked with painted lines, curbs, or other similar treatment so as to be distinguishable.

Section 8. Maintenance

All parking facilities shall be permanently maintained by the owners or occupants as long as the parking facilities exist.

All required parking facilities shall be continually provided and maintained as long as the uses they serve exist.

Section 9. Off-Street Loading and Unloading Requirements

9.11
Ingress/
Egress

9.1 Each building or structure used for business, commerce, or trade hereafter allowed shall provide space as provided in this Section for the loading or unloading of vehicles off the street or public alley. All loading/unloading space shall have access to an alley or, if there is no alley, to a street. All ingress and egress shall be by the forward motion of the vehicle.

9.12
Dimensions

For the purposes of this Section, an off-street loading space shall have a minimum dimension of twelve (12) feet by twenty-five (25) feet and fourteen (14) feet overhead clearance.

9.21
Determination
of
Sufficiency

9.2 A loading space need not be necessarily a full berth, but shall be sufficient to allow normal loading and unloading operations of a kind and nature indicative of the property served thereby.

The Chief Building Inspector shall determine the sufficiency of loading space, but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk, or alley.

9.3 For non-residential structures containing not more than 25,000 square feet of gross floor area, one (1) berth shall be required.

For non-residential structures containing 25,000 or more square feet of gross floor space, the number of berths specified in the table below shall be provided.

<u>Square Footage in Thousands</u>	<u>No. of Berths</u>
25 - 40	1
40 - 100	2
100 - 160	3
160 - 240	4
240 - 320	5
320 - 400	6
each 90M above 400M	1

Section 10. Variances

Variances from the above parking space, shade tree coverage, buffering, or loading/unloading requirements may be granted by the Board of Zoning Adjustments on recommendation by the Planning Commission, provided the intent of this Article is preserved.

Section 11. Non-conforming Uses or Situations

All non-conforming uses or situations not in compliance with the above standards shall be required to comply with the provisions of this Article within ten (10) years following the adoption of this Ordinance unless an additional reasonable amortization period is granted upon appeal to the Board of Zoning Adjustments.

ARTICLE IX. ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 1. Zoning Administrator

This Ordinance shall be administered and enforced by a Zoning Administrator, or his designated representative, who shall be named by the City Manager and is hereby empowered. If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Zoning Adjustments.

Section 2. Building Permit Required

No building, sign or other structure shall be erected, moved, extended, enlarged or structurally altered nor shall any excavation or filling of any lot for the construction of any building be commenced until a building permit for such work, in accordance with the requirements of this Ordinance, has been issued.

Section 3. Application for Building Permit

An application to the Zoning Administrator for a building permit shall be accompanied by plot plans drawn in duplicate showing:

- 3.1 The actual dimensions of the lot to be built upon;
- 3.2 The actual size and location of all buildings existing on the lot;
- 3.3 The proposed new construction, alteration, or addition, including driveways, off-street parking areas, and loading spaces;
- 3.4 The existing and intended use of all parts of the land or buildings, including all required street planting strips and/or buffers.

3.5 Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

Section 4. Certificate of Compliance Required

A Certificate of Compliance, issued by the Zoning Administrator, is required in advance of:

4.1 Occupancy or use of a building hereafter erected, altered, or moved; and

4.2 The change of use of any building or land.

A Certificate of Compliance shall not be issued unless the proposed use of the building or land conforms to the applicable provisions of this Ordinance. If the Certificate of Compliance is denied, the Zoning Administrator shall state, in writing, the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person wishing a copy..

The City of Elizabeth City Department of Public Utilities shall not provide a permanent electric hookup to any structure until a valid Certificate of Compliance is issued.

Section 5. Enforcement Powers of the Zoning Administrator

The Zoning Administrator may provide for the enforcement of this Ordinance by means of withholding building permits or Certificates of Compliance. He may provide for enforcement by instituting injunc-

tions, mandamus, or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alterations, conversion, moving, maintenance, or use, to correct occupancy of said building, structure, or land.

Section 6. Violations

6.1 Penalties for Violations

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding fifty (\$50.00) or by imprisonment not to exceed thirty (30) days.

Each day such violation continues shall be deemed a separate offense.

6.2 Remedies

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Zoning Administrator, or any other appropriate City authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction or mandamus, or other appropriate action or proceeding to prevent such violation.

6.3 Complaints Regarding Violations

When a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the cause and basis thereof and

shall be filed with the Zoning Administrator. He shall record properly such complaint, investigate it within ten (10) days, and take action thereon as provided in these regulations.

Section 7. Cancellation of Permits

A building permit or Certificate of Compliance shall be cancelled by the Zoning Administrator when the method of moving, construction, or use violates any provisions contained in these regulations. Upon such cancellation, any further work upon the moving, construction, alteration, or repair on said building or structure, or further use of said building, structure, or land shall be deemed a violation of this Ordinance. Each and every day such unlawful moving, construction, alteration, or repair on said building or structure, or further use of said building, structure, or land continues shall be deemed a separate offense.

Section 8. Temporary Permit for Bazaars, Carnivals, Religious Revivals

The Zoning Administrator may issue a temporary permit for bazaars, carnivals, religious revivals, and similar uses. Such certificate shall be issued for a fixed period of time, but not to exceed ninety (90) days, shall be subject to such limitations as the Zoning Administrator may impose to protect the character of the district affected, and may be considered for reapplication.

ARTICLE X. CHANGES AND AMENDMENTS

The City Council may amend, supplement or change the text regulations and zoning district lines according to the following procedures:

Section 1. Action by the Petitioner

The following actions shall be taken by the petitioner:

1.1 Initiation of Amendments

Proposed changes or amendments may be initiated by the City Council, Planning Commission, Board of Zoning Adjustments, or by one or more owners or leasees of property within the area proposed to be changed or affected.

1.2 Petition

A Petition for any change or amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, and the names and addresses of the owner or owners of the property and a listing of adjacent property owners. Such application shall be filed not later than three (3) weeks prior to the meeting at which the application is to be considered by the City Council. Adjacent property owners shall be notified of any proposed district boundary changes.

1.3 Fee

A fee of twenty-five (\$25.00) dollars shall be paid to the City of Elizabeth City, North Carolina, for each petition for an amendment, to cover the costs of advertising and other administrative expenses involved.

- 1.4 A petition for an amendment that has been denied shall not be instituted sooner than one (1) year from the date of the denial unless the City Council by a three-fourths vote of its total membership, after considering the advise of the Planning Commission, shall find that there have been substantial changes in conditions or circumstances bearing on the petition.

Section 2. Action by the Planning Commission

The following action shall be taken by the Planning Commission:

2.1 Planning Commission Considerations

The Planning Commission shall consider and make recommendations to the City Council concerning each proposed zoning amendment. The Planning Commission may hold separate public hearings or may sit concurrently with the public hearing held by the City Council.

Section 3. Action by the City Council

The following actions shall be taken by the City Council:

3.1 City Council Considerations

The City Council shall consider changes and amendments to his Ordinance during their regularly scheduled monthly meetings.

3.2 Notice and Public Hearing

No amendment shall be adopted by the City Council until after public notice and hearing.

Notice of public hearing shall be published in a newspaper of general circulation in Elizabeth City, at least once each week for two (2) successive weeks prior to hearing.

In addition, notice may also be made by posting the property concerned or by mailing notices to the owners of surrounding property.

3.3 City Council Action

Before taking such lawful action as it may deem advisable, the City Council shall consider the Planning Commission's recommendations on each proposed Zoning Amendment. If no recommendation is received from the Planning Commission within thirty (30) days after public hearing by the City Council, the proposed amendment shall be deemed to have been approved by the Planning Commission.

ARTICLE XI. BOARD OF ZONING ADJUSTMENTS

Section 1. Creating the Board of Zoning Adjustments

The Board of Zoning Adjustments is hereby created, which shall consist of ten (10) members. Five (5) members of the Board shall be appointed by the Board of Commissioners of Pasquotank County. All members shall be appointed for overlapping terms of three (3) years. Five members of the Board shall also be appointed by the City Council.

The five (5) members appointed to the Board of Zoning Adjustments by the Board of County Commissioners shall be residents of the extraterritorial jurisdiction surrounding the corporate limits of the City of Elizabeth City for a distance of approximately one (1) mile in all directions. As representatives of this area, they shall have equal rights, privileges, and duties with other members of the Board in all matters pertaining to regulations of the extraterritorial jurisdiction.

On all matters pertaining to the incorporated area of Elizabeth City, only those Board members representing Elizabeth City shall vote. The Board shall adopt the necessary rules to conduct its affairs and shall elect one of its members from Elizabeth City as Chairman. Meetings of the Board shall be held at the call of the Chairman, and a public record of all findings and decisions shall be maintained.

Section 2. Filing and Notice of an Appeal

Appeals from the enforcement and interpretation of this Ordinance

and requests for exceptions or variances, shall be filed with the Zoning Administrator specifying the ground thereof. The Zoning Administrator shall transmit to the Board of Zoning Adjustments all applications and records pertaining to such appeals, variances or exceptions.

The Board of Zoning Adjustments shall fix a reasonable time for the hearing of the appeal, give public notice thereof, published in a newspaper of general circulation in the City at least once each week for two (2) successive weeks prior to the hearing and give written notice to all property owners within 125 feet.

An appeal stays all proceedings in furtherance of this action appealed from unless the Zoning Administrator certifies to the Board of Zoning Adjustments that by reason of facts stated in the record, a stay would, in his opinion, cause imminent peril to life and property; in which case the proceedings shall not be stayed otherwise than by an order from the Pasquotank County Superior Court.

Section 3. Fee for Variance or Appeal

A fee of ten (10) dollars shall be paid to the City of Elizabeth City, North Carolina, for each application for a variance, exception or appeal, to cover the necessary administrative costs and costs of advertising.

Section 4. Powers and Duties

The Board of Zoning Adjustments shall have the following powers and duties:

4.1 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this Ordinance, a concurring vote of eight (8) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator pertaining to property within the extraterritorial area, or concurring vote of four (4) members when pertaining to property within the City limits.

4.2 Special Exceptions

To hear and decide such special exceptions as the Board of Zoning Adjustments is specifically authorized to pass on by the terms of this Ordinance.

4.3 Variances

To authorize upon appeal in specific cases such Ordinance from the dimensional regulations of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. In granting any variance, the Board of Zoning Adjustments may prescribe appropriate conditions and safeguards in conformity with this Ordinance. A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Adjustments unless and until it shall make a finding.

- 4.31 That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- 4.32 That literal interpretation of the dimensional provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
- 4.33 That the special conditions and circumstances do not result from the actions of the applicant;
- 4.34 That granting a variance of the dimensional regulations will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.

Section 5. Appeal from the Board of Zoning Adjustments

Appeal from the decisions of the Board of Zoning Adjustments shall be to the Pasquotank County Superior Court.

ARTICLE XII. LEGAL PROVISIONS

Section 1. Definitions

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; the words "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

1.1 Area of Environmental Concern

Those areas in which uncontrolled or incompatible development might result in irreversible damage to coastal resources such as estuaries, public trust waters, coastal wetlands, and estuarine shorelines, the barrier dune system and the beaches. The preservation and management of the natural ecological conditions of these coastal resources will ensure development consistent with the capability of the land and water for development and safeguard and perpetuate their natural productivity and biological, economic and aesthetic values.

Potential areas of environmental concern (estuarine waters, estuarine shoreline, public trust areas, coastal wetlands) have been generally identified on the Official Zoning Map.

An on-site investigation is required for a specific determination.

1.2 Apartment House

See Dwelling, Multiple

1.3 Boarding House

A building where, for compensation, lodging and/or meals are provided for not more than fourteen (14) persons.

1.4 Building

Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, freestanding billboards and signs, and similar structures whether stationary or movable.

1.5 Building, Accessory

A subordinate building, the use of which is incidental to that of a principle building on the same plot.

1.6 Building, Principle

A building in which is conducted the principle use of the plot on which it is situated.

1.7 Building Line

A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps

- 1.7 gutters and similar fixtures, and the center line of any street when measured perpendicularly thereto.

1.8 Building, Height of

The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

1.9 Community Water or Sewer System

A community water or sewer system is required where there is no City water or sewer or County water and shall be approved by the District Health Department. The system is a central one that serves all dwellings.

1.10 District

Any section of Elizabeth City in which zoning regulations are uniform.

1.11 Dwelling

Any building, or portion thereof, which is designed for living and/or sleeping purposes.

1.12 Dwelling, Single-family

A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

1.13 Dwelling, Two-family

A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

1.14 Dwelling, Multiple-family

A building arranged or designed to be occupied by three (3) or more families.

1.15 Home Occupation

An occupation customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes.

1.16 Hotel

A building used as an abiding place of more than fourteen (14) persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

1.17 Junk Yard

Any land or area used, in whole or in part for commercial storage and/or sale of waste paper, rags, scrap, metal or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

1.18 Lot

A parcel of land occupied or to be occupied by a main building

- 1.1 or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

1.19 Lot, Depth of

The average horizontal distance between front and rear lot lines.

1.20 Lot Width

The average horizontal distance between side lot lines.

1.21 Mobile Home

A factory built structure, transportable in one or more sections, which is eight (8) feet or more in width and thirty-two (32) feet or more in length, and which is built on a permanent chassis, and when connected to required utilities is designed to be used as a complete dwelling unit with essential living facilities and utilities, and is designed to be used with or without a permanent foundation.

1.22 Mobile Home Development

A contiguous parcel of land containing one (1) acre or more, which has been planned and improved for the placement of more than two (2) mobile homes, and has been zoned the residential mobile home (RMH) district.

1.23 Mobile Home Development Management Program

A requirement that the owner or developer

of a mobile home development must provide so as to insure proper care and supervision of the mobile home development.

1.24 Mobile Home Lot

A parcel of land of required size for purposes of mobile home placement and exclusive use of its occupant(s).

1.25 Mobile Home Park

That portion of a mobile home development containing more than two (2) mobile home lots with mobile home stands for rental purposes to accommodate a mobile home for occupancy.

1.26 Mobile Home Stand

That area of a mobile home lot which has been reserved and prepared for the placement of a mobile home.

1.27 Mobile Home Subdivision

That portion of a mobile home development containing more than two (2) mobile home lots for purposes of sale for residential occupancy by mobile home owners.

1.28 Mobile Structure

A transportable, prefabricated building constructed and designed for transportation on its own chassis after fabrication and intended for use other than residential. These buildings may or may not have toilet and washroom facilities and connections to plumbing outlets. Examples include, but are not limited to, mobile classrooms, mobile clinics, mobile professional offices, or mobile sales offices. These structures shall meet underwriters laboratory

certification and all State and local codes for mobile home registration, foundations, and anchoring. This definition does not include modular units transported on flatbeds or other trailers which meet conventional house construction standards. A converted or modified home does not meet the criteria of a mobile structure.

1.27 Modular or Sectional Structures

A factory-fabricated transportable building not built on its own chassis and designed to be used by itself or to be incorporated with similar units and requiring a foundation at the site. A sectional structure is a dwelling or other structure made of two or more modular units transported to a building site, joined together, and placed on a foundation. Modular or sectional structures are distinguished from mobile homes by not having a permanently built on chassis and by requiring a foundation for support. Modular or sectional structures as such do not fall under the provisions of Article VII, Mobile Home Developments, but instead are considered dwellings or structures and shall meet appropriate zoning, subdivision, or building code requirements.

1.29 Motel or Motor Lodges

A building or a group of buildings containing sleeping rooms, designed for or used temporarily to automobile transients, with garage or parking space conveniently located to each unit.

1.30 Parking Space

An off-street space available for the parking of motor vehicles, the minimum dimensions of which shall be nine (9)

feet in width and eighteen (18) feet in length, with a total of 162 square feet, exclusive of passage ways and driveways appurtenant thereto.

1.31 Non-conforming Use

A legal use of a building and/or of land that antedates the adoption of these regulations and does not conform to the regulations for the zone in which it is located.

1.32 Operating License

An operating permit issued by the Chief Building Inspector to the developer, owner, or operator of a mobile home development upon completion of the development in compliance with the requirements of this Ordinance and in accordance with the agreed upon plan as approved by the special use permit.

1.33 Rooming House

See Boarding House

1.34 Service Station

Any building or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment and flat tire repair are only performed incidental to the conduct of the service station.

1.35 Sign

Any graphic, illuminated or non-illuminated, or presentation by words, letters, figures, designs or pictures, permanently installed or situated merchandise (other than a structure);

an emblem; a painting; a banner; a pennant; a placard; a poster; a light (other than a device used primarily to illuminate a building or premises); which is designed or intended to advertise and is visible from a public right-of-way. For purposes of removal, "sign" shall also include sign structure.

1.36 Special Use Permit

A permit authorized by the City Council for construction of a mobile home development to proceed as planned and in accordance with this Ordinance and with final approval by the Chief Building Inspector upon completion of the development.

1.37 Story

That portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it; or, if there be no floor above it, the space between the floor and the ceiling next above it.

1.38 Story, Half

A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

1.39 Street

A public thoroughfare which affords principle means of access to abutting property.

1.40 Street line

The dividing line between a street or road right-of-way and the contiguous property.

1.41 Structures

Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs, and billboards.

1.42 Travel Trailer

A wheeled vehicular portable structure build on a chassis, designed to be used as a temporary dwelling for travel and/or recreational purposes, having a body width not exceeding eight (8) feet. This is also intended to include structures mounted on auto or truck bodies that are referred to as "campers".

1.43 Tourist Home

A dwelling where lodging only is provided for compensation for not exceeding fourteen (14) persons, in contradistinction to hotels and boarding houses, and open to transients.

1.44 Yard, Front

An open space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

1.45 Yard, Rear

An open space between the rear line of the principle building (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory buildings.

1.46 Yard, Side

An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear yard line.

Section 2. Severability of Ordinance

If for any reason any one or more sections, sentences, clauses or parts of this Ordinance are held invalid, such judgement shall not affect, impair or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance held invalid. The invalidity of any section, sentence, clauses or parts of this Ordinance in any one or more instances shall not attest or prejudice in any way the validity of this Ordinance in any other instance.

Section 3. Conflict with Other Laws

Wherever the regulations made under authority of this article require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of the lot to be left unoccupied, or impose other higher standards than that required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Wherever the provisions of any other statute or local ordinance require a greater width or size of yards or courts, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than that required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern.

Section 4. Penalties

Any person violating any provision of any article of the foregoing Ordinance, or who shall violate or fail to comply with any order made thereunder, or who shall falsify plans or statements filed thereunder, or who shall continue to work upon any structure after having received written notice from the Zoning Administrator to cease work, shall be guilty of a misdemeanor. Punishment shall be at the discretion of the courts. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his known place of residence or place of business.

Section 5. Effective Date

This ordinance shall be in force from and after its passage and approval.

Passed and Adopted this _____ day of _____, 198__.

ATTEST:

City Clerk

Mayor

NOAA COASTAL SERVICES CTR LIBRARY



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